

payment or overpayment, as the case may be, of the costs incurred in any preceding period.

(c) Except with respect to determinations made under subsection (a) of this section, the Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section and section 1312(a) of this title.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1132, § 422; Pub. L. 87-268, § 1(b), (c), Sept. 21, 1961, 75 Stat. 566; Pub. L. 94-433, title IV, § 405(18), Sept. 30, 1976, 90 Stat. 1380; Pub. L. 97-295, § 4(12), (95)(A), Oct. 12, 1982, 96 Stat. 1305, 1313; renumbered § 1322 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(A), (E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 108-183, title VII, § 708(c)(1), Dec. 16, 2003, 117 Stat. 2673.)

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-183, § 708(c)(1)(A), substituted “Commissioner of Social Security, and shall be certified by the Commissioner to the Secretary upon request of the Secretary.” for “Secretary of Health and Human Services, and shall be certified by such Secretary to the Secretary of Veterans Affairs upon request of the Secretary of Veterans Affairs.”

Subsec. (b). Pub. L. 108-183, § 708(c)(1)(B), substituted “Commissioner of Social Security” for “Secretary of Health and Human Services” in first sentence and substituted “the Secretary and the Commissioner” for “the two Secretaries” and “Commissioner” for “Secretary of Health and Human Services” in second sentence.

1991—Pub. L. 102-83, § 5(a), renumbered section 422 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 5(c)(1), substituted “1312(a)” for “412(a)”, “1312(a)(2)” for “412(a)(2)”, “1312(a)(3)” for “412(a)(3)”.

Pub. L. 102-83, § 4(b)(2)(A)(i), substituted “Secretary of Veterans Affairs” for “Administrator” in two places.

Subsec. (b). Pub. L. 102-83, § 4(b)(2)(A)(ii), substituted “The Secretary shall pay to the Secretary of Health and Human Services” for “Upon the basis of estimates made by the Secretary of Health and Human Services after consultation with the Administrator, the Administrator shall pay to the Secretary” and “as the two Secretaries may prescribe, with the amount of such payments to be made on the basis of estimates made by the Secretary of Health and Human Services after consultation with the Secretary” for “as the Secretary and the Administrator may prescribe”.

Subsec. (c). Pub. L. 102-83, § 5(c)(1), substituted “1312(a)” for “412(a)”.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1982—Subsec. (a). Pub. L. 97-295, § 4(12), (95)(A), substituted “section 202 of the Social Security Act (42 U.S.C. 402)” for “section 402 of title 42”, and “Health and Human Services” for “Health, Education, and Welfare”.

Subsec. (b). Pub. L. 97-295, § 4(95)(A), substituted “Health and Human Services” for “Health, Education, and Welfare”.

1976—Subsec. (a). Pub. L. 94-433 substituted “such veteran’s” and “such Secretary” for “his” and “him”, respectively.

1961—Subsec. (a). Pub. L. 87-268 § 1(c), substituted “section 412(a)” for “section 412”, “section 412(a)(2)” for “section 412(2)”, and “section 412(a)(3)” for “section 412(3)”.

Subsec. (c). Pub. L. 87-268, § 1(b), substituted “section 412(a)” for “section 412”.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1961 AMENDMENT

Amendment by Pub. L. 87-268 effective Oct. 1, 1961, see section 3 of Pub. L. 87-268, set out as a note under section 1312 of this title.

§ 1323. Certifications with respect to circumstances of death

Whenever the Secretary determines on the basis of a claim for benefits filed with the Secretary that a death occurred under the circumstances referred to in section 1476(a) of title 10, the Secretary shall certify that fact to the Secretary concerned. In all other cases, the Secretary shall make the determination referred to in such section at the request of the Secretary concerned.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1133, § 423; Pub. L. 94-433, title IV, § 405(19), Sept. 30, 1976, 90 Stat. 1380; Pub. L. 102-54, § 14(b)(4), June 13, 1991, 105 Stat. 283; renumbered § 1323 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), (3)(A), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

PRIOR PROVISIONS

Prior sections 1401, 1402, 1411 to 1419, 1421 to 1423, 1431 to 1436, and 1500 were renumbered sections 3001, 3002, 3011 to 3019, 3021 to 3023, 3031 to 3036, and 3100 of this title, respectively.

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 423 of this title as this section.

Pub. L. 102-83, § 4(b)(3)(A), substituted “Certifications with respect to circumstances of death” for “Certifications by Administrator” in section catchline.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary determines” for “Administrator determines”, “Secretary that” for “Administrator that”, and in two places “Secretary shall” for “Administrator shall”.

Pub. L. 102-54 struck out “or section 321(b) of title 32,” after “title 10,” and “1476(a) or 321(b)” after “such section”.

1976—Pub. L. 94-433 substituted “with the Administrator” for “with him” and “the Administrator” for “he” before “shall certify” and “shall make”.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

CHAPTER 15—PENSION FOR NON-SERVICE-CONNECTED DISABILITY OR DEATH OR FOR SERVICE

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1560. Medal of Honor Roll; persons eligible.

1561. Certificate.

1562. Special provisions relating to pension.

AMENDMENTS

2001—Pub. L. 107-103, title II, §207(a)(2), Dec. 27, 2001, 115 Stat. 991, added item 1513.

1992—Pub. L. 102-568, title IV, §§402(c)(2)(B), 403(b)(2), Oct. 29, 1992, 106 Stat. 4337, 4338, substituted "Vocational training for certain pension recipients" for "Temporary program of vocational training for certain new pension recipients" in item 1524 and "Protection" for "Temporary protection" in item 1525.

1991—Pub. L. 102-83, §5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 501 to 562 as 1501 to 1562, respectively.

Pub. L. 102-25, title III, §333(c)(2), Apr. 6, 1991, 105 Stat. 88, substituted "OTHER PERIODS OF WAR" for "MEXICAN BORDER PERIOD, WORLD WAR I, WORLD WAR II, KOREAN CONFLICT, AND THE VIETNAM ERA" as subheading preceding item 541.

1986—Pub. L. 99-576, title VII, §703(b)(3), Oct. 28, 1986, 100 Stat. 3303, inserted "program of" after "Temporary" in item 524.

1984—Pub. L. 98-543, title III, §301(a)(2), Oct. 24, 1984, 98 Stat. 2746, added items 524 and 525.

1982—Pub. L. 97-295, §4(14), Oct. 12, 1982, 96 Stat. 1305, substituted "Honor Roll" for "honor roll" in item 560.

1978—Pub. L. 95-588, title I, §§104(b), 106(b), 109(b), 110(b), 112(b), Nov. 4, 1978, 92 Stat. 2499, 2502, 2504, 2505, added item 508, substituted "Veterans of a period of war" for "Veterans of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era" in item 521, substituted "Surviving spouses of veterans of a period of war" for "Surviving spouses of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans" in item 541, substituted "Children of veterans of a period of war" for "Children of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans" in item 542, struck out heading "SURVIVING SPOUSES OF VETERANS OF ALL PERIODS OF WAR" following item 543, and struck out item 544.

1975—Pub. L. 94-169, title I, §§101(2)(J), 106(24), (30), (38), Dec. 23, 1975, 89 Stat. 1014, 1018, 1019, struck out items 510 relating to confederate forces veterans, and 531 relating to widows of Mexican War veterans, substituted "Surviving Spouses" for "Widows" in heading

of Subchapter III and subheading preceding item 544, and substituted "Surviving spouses" for "Widows" in items 532, 534, 536 and 541.

1970—Pub. L. 91-588, §9(h), Dec. 24, 1970, 84 Stat. 1585, inserted references to the Mexican border period in subheading preceding item 541 and in items 521, 541, and 542, respectively.

1967—Pub. L. 90-77, title I, §108(b), title II, §202(i), Aug. 31, 1967, 81 Stat. 180, 183, added item 544 and included references to Vietnam era in subheading preceding item 541 and in items 521, 541, and 542, respectively.

1966—Pub. L. 89-467, §1(b), June 22, 1966, 80 Stat. 218, added item 507.

1963—Pub. L. 88-77, §5(3), July 25, 1963, 77 Stat. 96, substituted "ARMY, NAVY, AIR FORCE, AND COAST GUARD" for "ARMY, NAVY, AND AIR FORCE", in heading of Subchapter IV.

1961—Pub. L. 87-138, §2(b), Aug. 14, 1961, 75 Stat. 339, struck out "entitling holder to pension" after "Certificate" in item 561.

1959—Pub. L. 86-211, §7(a), Aug. 29, 1959, 73 Stat. 436, substituted "Determinations with respect to annual income" for "Items not considered in determining income" in item 503, "Net worth limitation" for "Income limitations" in item 522, and "Net worth limitation" for "Widows of World War II or Korean conflict veterans" in item 543, included widows of World War II and Korean conflict veterans in item 541 and children of World War II and Korean conflict veterans in item 542, added item 506, and struck out items 544 and 545 which related to children of World War II or Korean conflict veterans and to income limitations.

SUBCHAPTER I—GENERAL

§ 1501. Definitions

For the purposes of this chapter—

(1) The term "Indian Wars" means the campaigns, engagements, and expeditions of the United States military forces against Indian tribes or nations, service in which has been recognized heretofore as pensionable service.

(2) The term "World War I" includes, in the case of any veteran, any period of service performed by such veteran after November 11, 1918, and before July 2, 1921, if such veteran served in the active military, naval, or air service after April 5, 1917, and before November 12, 1918.

(3) The term "Civil War veteran" includes a person who served in the military or naval forces of the Confederate States of America during the Civil War, and the term "active military or naval service" includes active service in those forces.

(4) The term "period of war" means the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam era, the Persian Gulf War, and the period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of the Congress.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1134, §501; Pub. L. 94-169, title I, §106(1), Dec. 23, 1975, 89 Stat. 1017; Pub. L. 95-588, title I, §101, Nov. 4, 1978, 92 Stat. 2497; Pub. L. 102-25, title III, §333(a), Apr. 6, 1991, 105 Stat. 88; renumbered §1501, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Prior sections 1500 and 1501 were renumbered sections 3100 and 3101 of this title, respectively.

Another prior section 1501, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1171; Pub. L. 93-508, title I, §101(1), Dec. 3,

1974, 88 Stat. 1578, defined "World War II" and "vocational rehabilitation" for purposes of chapter 31 of this title, prior to the general revision of chapter 31 of this title by Pub. L. 96-466. Section 802(a)(3) of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title, provided that this prior section 1501 continue in effect until Mar. 31, 1981.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 501 of this title as this section.

Par. (4). Pub. L. 102-25 inserted "the Persian Gulf War," after "the Vietnam era,".

1978—Par. (4). Pub. L. 95-588 added par. (4).

1975—Par. (2). Pub. L. 94-169 substituted "such veteran" for "him".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

PENSION PROGRAM FOR NONSERVICE-CONNECTED DISABILITY OR DEATH; REPORT BY ADMINISTRATOR

Pub. L. 94-432, title IV, §404, Sept. 30, 1976, 90 Stat. 1372, provided that, due to certain insufficiencies in pension program for nonservice-connected disability or death authorized by this chapter, and lack of sufficient long-range information as to actual and anticipated financial characteristics of potential pensioners and their families upon which to estimate costs of existing alternative pension programs, it was necessary for Administrator of Veterans' Affairs to study existing and alternative nonservice-connected pension programs and to submit a report to Congress and the President not later than Oct. 1, 1977, on alternative courses of legislative and administrative action and long-range cost estimates therefor.

STUDY OF NEEDS AND PROBLEMS OF VETERANS AND THEIR WIDOWS SEVENTY-TWO YEARS OF AGE OR OLDER; REPORT BY ADMINISTRATOR

Pub. L. 93-527, §8, Dec. 21, 1974, 88 Stat. 1705, directed Administrator of Veterans' Affairs to study needs and problems of veterans and their widows seventy-two years of age or older and required him to report to Congress and President not later than one hundred and eighty days after convening of Ninety-fourth Congress results of study together with any recommendations for legislative or administrative action.

§ 1502. Determinations with respect to disability

(a) For the purposes of this chapter, a person shall be considered to be permanently and totally disabled if such person is any of the following:

(1) A patient in a nursing home for long-term care because of disability.

(2) Disabled, as determined by the Commissioner of Social Security for purposes of any benefits administered by the Commissioner.

(3) Unemployable as a result of disability reasonably certain to continue throughout the life of the person.

(4) Suffering from—

(A) any disability which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, but only if it is reasonably certain that such disability will continue throughout the life of the person; or

(B) any disease or disorder determined by the Secretary to be of such a nature or ex-

tent as to justify a determination that persons suffering therefrom are permanently and totally disabled.

(b) For the purposes of this chapter, a person shall be considered to be in need of regular aid and attendance if such person is (1) a patient in a nursing home or (2) blind, or so nearly blind or significantly disabled as to need or require the regular aid and attendance of another person.

(c) For the purposes of this chapter, the requirement of "permanently housebound" will be considered to have been met when the veteran is substantially confined to such veteran's house (ward or clinical areas, if institutionalized) or immediate premises due to a disability or disabilities which it is reasonably certain will remain throughout such veteran's lifetime.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1134, §502; Pub. L. 88-664, §6(b), Oct. 13, 1964, 78 Stat. 1095; Pub. L. 90-77, title I, §102, Aug. 31, 1967, 81 Stat. 178; Pub. L. 94-169, title I, §106(2), Dec. 23, 1975, 89 Stat. 1017; Pub. L. 94-432, title II, §201, Sept. 30, 1976, 90 Stat. 1369; Pub. L. 101-508, title VIII, §8002(a), Nov. 5, 1990, 104 Stat. 1388-342; renumbered §1502 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 107-103, title II, §206(a), Dec. 27, 2001, 115 Stat. 990; Pub. L. 109-233, title V, §502(3), June 15, 2006, 120 Stat. 415.)

PRIOR PROVISIONS

Prior section 1502 was renumbered section 3102 of this title.

Another prior section 1502, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1171; Pub. L. 86-721, §3, Sept. 8, 1960, 74 Stat. 820; Pub. L. 87-815, §7, Oct. 15, 1962, 76 Stat. 927; Pub. L. 89-138, §2(2), Aug. 26, 1965, 79 Stat. 578; Pub. L. 90-631, §1(a), Oct. 23, 1968, 82 Stat. 1331; Pub. L. 92-540, title I, §101(1), title III, §301, Oct. 24, 1972, 86 Stat. 1074, 1080; Pub. L. 93-508, title I, §101(2), Dec. 3, 1974, 88 Stat. 1578; Pub. L. 94-502, title I, §104(1), Oct. 15, 1976, 90 Stat. 2384, related to the basic entitlement of veterans with service-connected disabilities to vocational rehabilitation under chapter 31 of this title, prior to the general revision of chapter 31 of this title by Pub. L. 96-466. Section 802(a)(3) of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title, provided that this prior section 1502 continue in effect until Mar. 31, 1981.

Prior section 1502A, Pub. L. 87-591, §1, Aug. 16, 1962, 76 Stat. 393, which related to vocational rehabilitation for blinded veterans, was repealed by Pub. L. 89-138, §2(3), Aug. 26, 1965, 79 Stat. 578.

AMENDMENTS

2006—Subsec. (b)(2). Pub. L. 109-233 substituted "blind, or so nearly blind or significantly disabled as to" for "helpless or blind, or so nearly helpless or blind as to".

2001—Subsec. (a). Pub. L. 107-103 substituted "such person is any of the following:" and pars. (1) to (4) for "such a person is unemployable as a result of disability reasonably certain to continue throughout the life of the disabled person, or is suffering from—

"(1) any disability which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, but only if it is reasonably certain that such disability will continue throughout the life of the disabled person; or

"(2) any disease or disorder determined by the Secretary to be of such a nature or extent as to justify a determination that persons suffering therefrom are permanently and totally disabled."

1991—Pub. L. 102-83, §5(a), renumbered section 502 of this title as this section.

Subsec. (a)(2). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1990—Subsec. (a). Pub. L. 101-508 amended introductory provisions generally. Prior to amendment, introductory provisions read as follows: "For the purposes of this chapter, a person shall be considered to be permanently and totally disabled if such person is sixty-five years of age or older or became unemployable after age 65, or suffering from—".

1976—Subsec. (a). Pub. L. 94-432 inserted "or became unemployable after age 65," after "or older".

1975—Subsecs. (a) and (b). Pub. L. 94-169 substituted "such person" for "he".

Subsec. (c). Pub. L. 94-169 substituted "such veteran's" for "his" wherever appearing.

1967—Subsec. (a). Pub. L. 90-77, §102(a), provided for consideration of a person sixty-five years of age or older as permanently and totally disabled.

Subsec. (b). Pub. L. 90-77, §102(b), added cl. (1) and designated existing provisions as cl. (2).

1964—Subsec. (c). Pub. L. 88-664 added subsec. (c).

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-103, title II, §206(b), Dec. 27, 2001, 115 Stat. 991, provided that: "The amendment made by subsection (a) [amending this section] shall take effect as of September 17, 2001."

EFFECTIVE DATE OF 1990 AMENDMENT

Section 8002(b) of Pub. L. 101-508 provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to claims filed after October 31, 1990."

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-432 effective Jan. 1, 1977, see section 405(b) of Pub. L. 94-432, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-664 effective Jan. 1, 1965, see section 11 of Pub. L. 88-664, set out as a note under section 1503 of this title.

§ 1503. Determinations with respect to annual income

(a) In determining annual income under this chapter, all payments of any kind or from any source (including salary, retirement or annuity payments, or similar income, which has been waived, irrespective of whether the waiver was made pursuant to statute, contract, or otherwise) shall be included except—

(1) donations from public or private relief or welfare organizations;

(2) payments under this chapter;

(3) amounts equal to amounts paid by a spouse of a veteran for the expenses of such veteran's last illness, and by a surviving spouse or child of a deceased veteran for—

(A) such veteran's just debts,

(B) the expenses of such veteran's last illness, and

(C) the expenses of such veteran's burial to the extent such expenses are not reimbursed under chapter 23 of this title;

(4) amounts equal to amounts paid—

(A) by a veteran for the last illness and burial of such veteran's deceased spouse or child, or

(B) by the spouse of a living veteran or the surviving spouse of a deceased veteran for the last illness and burial of a child of such veteran;

(5) reimbursements of any kind for any casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this clause may not exceed the greater of the fair market value or reasonable replacement value of the property involved at the time immediately preceding the loss;

(6) profit realized from the disposition of real or personal property other than in the course of a business;

(7) amounts in joint accounts in banks and similar institutions acquired by reason of death of other joint owner;

(8) amounts equal to amounts paid by a veteran, veterans' spouse, or surviving spouse or by or on behalf of a veteran's child for unreimbursed medical expenses, to the extent that such amounts exceed 5 percent of the maximum annual rate of pension (including any amount of increased pension payable on account of family members but not including any amount of pension payable because a person is in need of regular aid and attendance or because a person is permanently housebound) payable to such veteran, surviving spouse, or child;

(9) in the case of a veteran or surviving spouse pursuing a course of education or vocational rehabilitation or training, amounts equal to amounts paid by such veteran or surviving spouse for such course of education or vocational rehabilitation or training, including (A) amounts paid for tuition, fees, books, and materials, and (B) in the case of such a veteran or surviving spouse in need of regular aid and attendance, unreimbursed amounts paid for unusual transportation expenses in connection with the pursuit of such course of education or vocational rehabilitation or training, to the extent that such amounts exceed the reasonable expenses which would have been incurred by a nondisabled person using an appropriate means of transportation (public transportation, if reasonably available);

(10) in the case of a child, any current-work income received during the year, to the extent that the total amount of such income does not exceed an amount equal to the sum of—

(A) the lowest amount of gross income for which an income tax return is required under section 6012(a) of the Internal Revenue Code of 1986, to be filed by an individual who is not married (as determined under section 7703 of such Code), is not a surviving spouse (as defined in section 2(a) of such Code), and is not a head of household (as defined in section 2(b) of such Code); and

(B) if the child is pursuing a course of post-secondary education or vocational rehabilitation or training, the amount paid by such child for such course of education or vocational rehabilitation or training, including

the amount paid for tuition, fees, books, and materials;

(11) payment of a monetary amount of up to \$5,000 to a veteran from a State or municipality that is paid as a veterans' benefit due to injury or disease; and

(12) lump-sum proceeds of any life insurance policy on a veteran, for purposes of pension under subchapter III of this chapter.

(b) Where a fraction of a dollar is involved, annual income shall be fixed at the next lower dollar.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1134, § 503; Pub. L. 86-211, § 2(a), Aug. 29, 1959, 73 Stat. 432; Pub. L. 87-268, § 1(b), Sept. 21, 1961, 75 Stat. 566; Pub. L. 88-664, § 1, Oct. 13, 1964, 78 Stat. 1094; Pub. L. 90-77, title I, § 103, Aug. 31, 1967, 81 Stat. 178; Pub. L. 91-588, § 7, Dec. 24, 1970, 84 Stat. 1584; Pub. L. 92-198, § 2, Dec. 15, 1971, 85 Stat. 664; Pub. L. 92-425, § 6(2), Sept. 21, 1972, 86 Stat. 713; Pub. L. 94-169, title I, §§ 101(2)(A), 106(3)-(8), Dec. 23, 1975, 89 Stat. 1013, 1017; Pub. L. 95-588, title I, § 102, Nov. 4, 1978, 92 Stat. 2497; Pub. L. 97-295, § 4(13), Oct. 12, 1982, 96 Stat. 1305; Pub. L. 100-687, div. B, title XIV, § 1402(b), Nov. 18, 1988, 102 Stat. 4130; Pub. L. 102-54, § 14(b)(5), June 13, 1991, 105 Stat. 283; renumbered § 1503 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 108-454, title III, § 303, Dec. 10, 2004, 118 Stat. 3611; Pub. L. 111-275, title VI, § 604(a), Oct. 13, 2010, 124 Stat. 2885.)

REFERENCES IN TEXT

Sections 2, 6012(a), and 7703 of the Internal Revenue Code of 1986, referred to in subsec. (a)(10)(A), are classified to sections 2, 6012(a), and 7703 of Title 26, Internal Revenue Code, respectively.

PRIOR PROVISIONS

Prior section 1503 was renumbered section 3103 of this title.

Another prior section 1503, added Pub. L. 89-138, § 1, Aug. 26, 1965, 79 Stat. 577; amended Pub. L. 91-24, § 8, June 11, 1969, 83 Stat. 34; Pub. L. 94-502, title I, §§ 102, 104(2), (3), Oct. 15, 1976, 90 Stat. 2384, related to periods of eligibility for vocational rehabilitation under chapter 31 of this title, prior to the general revision of chapter 31 of this title by Pub. L. 96-466. Section 802(a)(3) of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title, provided that this prior section 1503 continue in effect until Mar. 31, 1981.

Another prior section 1503, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1171, was renumbered 1511 by Pub. L. 89-138, § 2(4), Aug. 26, 1965, 79 Stat. 578.

AMENDMENTS

2010—Subsec. (a)(11), (12). Pub. L. 111-275 added par. (11) and redesignated former par. (11) as (12).

2004—Subsec. (a)(11). Pub. L. 108-454 added par. (11).

1991—Pub. L. 102-83, § 5(a), renumbered section 503 of this title as this section.

Subsec. (a)(5). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (a)(8). Pub. L. 102-54, § 14(b)(5)(A), substituted "percent" for "per centum".

Subsec. (a)(10)(A). Pub. L. 102-54, § 14(b)(5)(B), substituted "Internal Revenue Code of 1986" for "Internal Revenue Code of 1954 (26 U.S.C. 6012(a))" and "section 7703" for "section 143".

1988—Subsec. (a)(5). Pub. L. 100-687 amended par. (5) generally. Prior to amendment, par. (5) read as follows: "proceeds of fire insurance policies".

1982—Subsec. (a)(10)(A). Pub. L. 97-295 inserted "(26 U.S.C. 6012(a))" after "Code of 1954".

1978—Subsec. (a)(1). Pub. L. 95-588, § 102(a)(1), (2), redesignated par. (2) as (1) and struck out former par. (1) which related to payments of six-months death gratuity.

Subsec. (a)(2). Pub. L. 95-588, § 102(a)(3), redesignated par. (3) as (2) and, as so redesignated, struck out ", and chapters 11 and 13 (except section 412(a)) of this title" after "chapter". Former par. (2) redesignated (1).

Subsec. (a)(3). Pub. L. 95-588, § 102(a)(5), redesignated par. (7) as (3). Former par. (3) redesignated (2).

Subsec. (a)(4). Pub. L. 95-588, § 102(a)(4), (6), added par. (4) and struck out former par. (4) which related to payments under servicemen's life insurance or servicemen's indemnity.

Subsec. (a)(5). Pub. L. 95-588, § 102(a)(4), (7), redesignated par. (8) as (5) and struck out former par. (5) which related to lump sum death payments.

Subsec. (a)(6). Pub. L. 95-588, § 102(a)(4), (9), redesignated par. (10) as (6) and struck out former par. (6) which related to the ten per cent exclusion for individuals under public or private retirement, annuity, endowment, or similar programs.

Subsec. (a)(7). Pub. L. 95-588, § 102(a)(11), redesignated par. (15) as (7). Former par. (7) redesignated (3).

Subsec. (a)(8). Pub. L. 95-588, § 102(a)(13), added par. (8). Former par. (8) redesignated (5).

Subsec. (a)(9). Pub. L. 95-588, § 102(a)(8), (13), added par. (9) and struck out former par. (9) which related to payments for final illness and burial.

Subsec. (a)(10). Pub. L. 95-588, § 102(a)(13), added par. (10). Former subsec. (10) redesignated (6).

Subsec. (a)(11) to (14). Pub. L. 95-588, § 102(a)(10), struck out pars. (11) to (14) which related to payments for discharge of jury duty, educational assistance allowances, bonuses based on service in the Armed Forces, and indebtednesses secured by mortgages, respectively.

Subsec. (a)(15). Pub. L. 95-588, § 102(a)(11), redesignated par. (15) as (7).

Subsec. (a)(16), (17). Pub. L. 95-588, § 102(a)(12), struck out pars. (16) and (17) which related to payments received by retired persons and payments of annuities, respectively.

Subsec. (c). Pub. L. 95-588, § 102(b), struck out former subsec. (c) which related to the power of the Administrator to exclude from income amounts paid by a veteran, surviving spouse, or child for unusual medical expenses.

1975—Subsec. (a)(7). Pub. L. 94-169, § 106(3), (4), substituted "spouse" for "wife", "such veteran's" for "his" and "surviving spouse" for "widow" in introductory clause and "such veteran's" for "his" in subcls. (A), (B) and (C).

Subsec. (a)(9). Pub. L. 94-169, § 106(5), substituted "such veteran's" for "his" in subcl. (A) and "surviving spouse" and "spouse" for "widow" and "wife", respectively, in subcl. (B).

Subsec. (a)(14). Pub. L. 94-169, § 106(6), substituted "such veteran's surviving spouse" for "his widow".

Subsec. (a)(16). Pub. L. 94-169, §§ 101(2)(A), 106(7), inserted "and" after "as amended;" and substituted "such employee's" for "his", respectively.

Subsec. (c). Pub. L. 94-169, § 106(8), substituted "surviving spouse" for "widow".

1972—Par. (17). Pub. L. 92-425 substituted "subchapter I of chapter 73 of title 10" for "chapter 73 of title 10".

1971—Pub. L. 92-198 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

1970—Par. (4). Pub. L. 91-588, § 7(1), inserted reference to servicemen's group life insurance.

Pars. (14) to (17). Pub. L. 91-588, § 7(3), added pars. (14) to (17).

1967—Par. (7). Pub. L. 90-77, § 103(a), provided for exclusion of amounts paid by a wife of a veteran for the expenses of his past illness.

Par. (9). Pub. L. 90-77, § 103(b), designated existing provisions as subpar. (A) and added subpar. (B).

1964—Par. (6). Pub. L. 88-664, § 1(a), inserted "10 per centum of the amount of" before "payments" and struck out "equal to his contributions thereto" after "programs".

Pars. (9) to (13). Pub. L. 88-664, §1(b), added pars. (9) to (13).

1961—Pub. L. 87-268 substituted “section 412(a)” for “section 412”.

1959—Pub. L. 86-211 among other changes, required the inclusion of all payments of any kind or from any source (including salary, retirement or annuity payments, or similar income, which has been waived), and permitted the exclusion of donations from public or private relief or welfare organizations, payments under policies of United States Government life insurance or National Service Life Insurance, and payments of servicemen's indemnity, lump sum death payments, payments to an individual under public or private retirement, annuity, endowment, or similar plans or programs equal to his contributions thereto, amounts equal to amounts paid by a widow or child for the veteran's just debts, expenses of his last illness, and expenses of his burial to the extent such expenses are not reimbursed under chapter 23 of this title, and proceeds of life insurance policies.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-275, title VI, §604(b), Oct. 13, 2010, 124 Stat. 2885, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to determinations of income for calendar years beginning after October 1, 2011.”

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Sections 101 and 106 of Pub. L. 94-169 provided that the amendments made by those sections are effective Jan. 1, 1976.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92-198 effective Jan. 1, 1972, see section 6 of Pub. L. 92-198, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91-588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Section 11 of Pub. L. 88-664 provided that:
“(a) Except as otherwise provided herein, this Act [amending this section and sections 502, 506, 521, 541, 542, 612, and 3104 [now 1502, 1506, 1521, 1541, 1542, 1712, and 5304] of this title and enacting provisions set out as a note under section 1521 of this title] shall take effect on January 1, 1965.

“(b) The amendment to paragraph (6) of section 503 [now 1503], title 38, United States Code, shall not apply to any individual receiving pension on December 31, 1964, under chapter 15 of said title, or subsequently determined entitled to such pension for said day, until his contributions have been recouped under the provision of that paragraph in effect on December 31, 1964.”

EFFECTIVE DATE OF 1961 AMENDMENT

Amendment by Pub. L. 87-268 effective Oct. 1, 1961, see section 3 of Pub. L. 87-268, set out as a note under section 1312 of this title.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-211 effective July 1, 1960, see section 10 of Pub. L. 86-211, set out as an Effective Date note under section 1506 of this title.

§ 1504. Persons heretofore having a pensionable status

The pension benefits of subchapters II and III of this chapter shall, notwithstanding the service requirements of such subchapters, be granted to persons heretofore recognized by law as having a pensionable status.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1134, §504; renumbered §1504, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Prior section 1504 was renumbered section 3104 of this title.

Another prior section 1504, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1172; Pub. L. 89-137, §1(a), Aug. 26, 1965, 79 Stat. 576; Pub. L. 90-431, July 26, 1968, 82 Stat. 447; Pub. L. 91-219, title I, §101, Mar. 26, 1970, 84 Stat. 76; Pub. L. 92-540, title I, §101(2), Oct. 24, 1972, 86 Stat. 1074; Pub. L. 93-508, title I, §101(3), Dec. 3, 1974, 88 Stat. 1579; Pub. L. 93-602, title II, §202, Jan. 2, 1975, 88 Stat. 1958; Pub. L. 94-502, title I, §§101, 104(4), Oct. 15, 1976, 90 Stat. 2383, 2384; Pub. L. 95-202, title I, §101, Nov. 23, 1977, 91 Stat. 1433, related to subsistence allowances to be paid veterans while pursuing a course of vocational rehabilitation training under chapter 31 of this title, prior to repeal, effective Oct. 1, 1980, by Pub. L. 96-466, title VIII, §802(a)(4), Oct. 17, 1980, 94 Stat. 2218. See section 3108 of this title.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 504 of this title as this section.

§ 1505. Payment of pension during confinement in penal institutions

(a) No pension under public or private laws administered by the Secretary shall be paid to or for an individual who has been imprisoned in a Federal, State, local, or other penal institution or correctional facility as a result of conviction of a felony or misdemeanor for any part of the period beginning sixty-one days after such individual's imprisonment begins and ending when such individual's imprisonment ends.

(b) Where any veteran is disqualified for pension for any period solely by reason of subsection (a) of this section, the Secretary may apportion and pay to such veteran's spouse or children the pension which such veteran would receive for that period but for this section.

(c) Where any surviving spouse or child of a veteran is disqualified for pension for any period solely by reason of subsection (a) of this section, the Secretary may (1) if the surviving spouse is so disqualified, pay to the child, or children, the pension which would be payable if there were no such surviving spouse or (2) if a child is so disqualified, pay to the surviving spouse or other children, as applicable, the pension which would be payable if there were no such child.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1134, §505; Pub. L. 94-169, title I, §106(9)-(11), Dec. 23, 1975, 89 Stat. 1017; renumbered §1505 and amended Pub. L. 102-83, §§4(a)(1), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 403-406; Pub. L. 109-461, title X, §1002(a), Dec. 22, 2006, 120 Stat. 3464.)

PRIOR PROVISIONS

Prior section 1505 was renumbered section 3105 of this title.

Another prior section 1505, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1172; Pub. L. 94-502, title I, §104(5), Oct. 15,

1976, 90 Stat. 2384, related to leaves of absence to veterans pursuing a course of vocational rehabilitation training under chapter 31 of this title, prior to the general revision of chapter 31 of this title by Pub. L. 96-466. Section 802(a)(3) of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title, provided that this prior section 1505 continue in effect until Mar. 31, 1981. See section 3110 of this title.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-461 substituted “local, or other penal institution or correctional facility” for “or local penal institution”.

1991—Pub. L. 102-83, §5(a), renumbered section 505 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans’ Administration”.

Subsecs. (b), (c). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1975—Subsec. (a). Pub. L. 94-169, §106(9), substituted “such individual’s” for “his” wherever appearing.

Subsec. (b). Pub. L. 94-169, §106(10), substituted “such veteran’s spouse” for “his wife”.

Subsec. (c). Pub. L. 94-169, §106(11), substituted “surviving spouse” for “widow” wherever appearing.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

§ 1506. Resource reports and overpayment adjustments

As a condition of granting or continuing pension under section 1521, 1541, or 1542 of this title, the Secretary—

(1) may require from any person who is an applicant for or a recipient of pension such information, proofs, and evidence as the Secretary determines to be necessary in order to determine the annual income and the value of the corpus of the estate of such person, and of any spouse or child for whom the person is receiving or is to receive increased pension (such a child is hereinafter in this subsection referred to as a “dependent child”), and, in the case of a child applying for or in receipt of pension under section 1542 of this title (hereinafter in this subsection referred to as a “surviving child”), of any person with whom such child is residing who is legally responsible for such child’s support;

(2) may require that any such applicant or recipient file for a calendar year with the Department (on such form as may be prescribed for such purpose by the Secretary) a report showing—

(A) the annual income which such applicant or recipient (and any such spouse or dependent child) received during the preceding year, the corpus of the estate of such applicant or recipient (and of any such spouse or dependent child) at the end of such year, and in the case of a surviving child, the income and corpus of the estate of any person with whom such child is residing who is legally responsible for such child’s support;

(B) such applicant’s or recipient’s estimate for the then current year of the annual income such applicant or recipient (and any such spouse or dependent child) expects to receive and of any expected increase in the value of the corpus of the estate of such applicant or recipient (and for any such spouse or dependent child); and

(C) in the case of a surviving child, an estimate for the then current year of the annual income of any person with whom such child is residing who is legally responsible for such child’s support and of any expected increase in the value of the corpus of the estate of such person;

(3) shall require that any such applicant or recipient promptly notify the Secretary whenever there is a material change in the annual income of such applicant or recipient (or of any such spouse or dependent child) or a material change in the value of the corpus of the estate of such applicant or recipient (or of any such spouse or dependent child), and in the case of a surviving child, a material change in the annual income or value of the corpus of the estate of any person with whom such child is residing who is legally responsible for such child’s support; and

(4) shall require that any such applicant or recipient applying for or in receipt of increased pension on account of a person who is a spouse or child of such applicant or recipient promptly notify the Secretary if such person ceases to meet the applicable definition of spouse or child.

(Added Pub. L. 86-211, §2(b), Aug. 29, 1959, 73 Stat. 432, §506; amended Pub. L. 88-664, §2, Oct. 13, 1964, 78 Stat. 1094; Pub. L. 91-588, §6, Dec. 24, 1970, 84 Stat. 1584; Pub. L. 94-169, title I, §106(12)–(14), Dec. 23, 1975, 89 Stat. 1017; Pub. L. 95-588, title I, §103, Nov. 4, 1978, 92 Stat. 2498; Pub. L. 96-466, title VI, §605(c)(2), Oct. 17, 1980, 94 Stat. 2211; renumbered §1506 and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 103-271, §9(b), July 1, 1994, 108 Stat. 743.)

PRIOR PROVISIONS

Prior section 1506 was renumbered section 3106 of this title.

Another prior section 1506, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1173, authorized Administrator to furnish veterans receiving vocational rehabilitation such medical care, treatment, hospitalization, and prosthesis as were necessary to accomplish the purposes of chapter 31 of this title, prior to the general revision of chapter 31 of this title by Pub. L. 96-466. Section 802(a)(3) of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title, provided that this prior section 1506 continue in effect until Mar. 31, 1981. See section 3104 of this title.

AMENDMENTS

1994—Par. (2). Pub. L. 103-271, §9(b)(1), substituted “may require” for “shall require” and “file for a calendar year” for “file each year” in introductory provisions.

Par. (3). Pub. L. 103-271, §9(b)(2), substituted “notify the Secretary” for “file a revised report”, struck out “estimated” before “annual income” in two places, and struck out “such applicant’s or recipient’s estimate of” before “the value of the corpus of the estate of such applicant”.

1991—Pub. L. 102-83, §5(a), renumbered section 506 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted “1521, 1541, or 1542” for “521, 541, or 542” in introductory provisions and “1542” for “542” in par. (1).

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in introductory provisions and pars. (1), (2), and (4).

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration” in par. (2) introductory provisions.

1980—Pub. L. 96-466 struck out “(a)” before “As a condition” and struck out subsec. (b) which provided that in the event of an overpayment of pension under section 521, 541, or 542 of this title, the amount thereof be deducted (unless waived) from any future payments made thereunder to the person concerned.

1978—Subsec. (a). Pub. L. 95-588 inserted provision authorizing the Administrator to consider the income of a spouse or child prior to granting a pension in par. (1), struck out exclusion from filing report for a child or person of 72 years of age or more who has been paid a pension for two consecutive years in par. (2), required changes in income of spouse or dependent child be included in the necessary revised income report in par. (3), and added par. (4).

1975—Subsec. (a). Pub. L. 94-169 substituted “the Administrator” for “he” in par. (1), “the Administrator” for “him”, “such person” for “he” and “such person’s” for “his” wherever appearing, in par. (2), and “such person’s” for “his” wherever appearing, in par. (3).

1970—Subsec. (a)(2). Pub. L. 91-588 exempted from filing requirements of this section any person who has attained 72 years of age and has been paid a pension under sections 521, 541, or 542 of this title during two consecutive calendar years.

1964—Subsec. (a)(2). Pub. L. 88-664 inserted “, other than a child,” after “person”.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(f) of Pub. L. 96-466, set out as a note under section 5314 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-588 effective Jan. 1, 1972, see section 10(b) of Pub. L. 91-588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-664 effective Jan. 1, 1965, see section 11 of Pub. L. 88-664, set out as a note under section 1503 of this title.

EFFECTIVE DATE

Section 10 of Pub. L. 86-211 provided that: “This Act [see Tables for classification] shall take effect on July 1, 1960.”

§ 1507. Disappearance

Where a veteran receiving pension under subchapter II of this chapter disappears, the Secretary may pay the pension otherwise payable to such veteran’s spouse and children. In applying the provisions of this section, the Secretary may presume, without reports pursuant to section 1506(a) of this title, that the status of the veteran at the time of disappearance, with respect to permanent and total disability, income, and net worth, continues unchanged. Payments made to a spouse or child under this section shall not exceed the amount to which each would be entitled if the veteran died of a non-service-connected disability.

(Added Pub. L. 89-467, §1(a), June 22, 1966, 80 Stat. 218, §507; amended Pub. L. 94-169, title I,

§106(15), Dec. 23, 1975, 89 Stat. 1017; renumbered §1507 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

PRIOR PROVISIONS

Prior section 1507 was renumbered section 3107 of this title.

Another prior section 1507, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1173; Pub. L. 92-540, title I, §101(3), Oct. 24, 1972, 86 Stat. 1074; Pub. L. 94-502, title I, §104(6), Oct. 15, 1976, 90 Stat. 2384, related to loans to trainees commencing or undertaking courses of vocational rehabilitation under chapter 31 of this title, prior to repeal, effective Oct. 1, 1980, by Pub. L. 96-466, title VIII, §802(a)(4), Oct. 17, 1980, 94 Stat. 2218. See section 3112 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 507 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted “1506(a)” for “506(a)”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

1975—Pub. L. 94-169 struck out “in his discretion” after “Administrator” and substituted “payable to such veteran’s spouse” for “payable to his wife,” and “made to a spouse” for “made to a wife”.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

§ 1508. Frequency of payment of pension benefits

(a) Except as provided under subsection (b) of this section, benefits under sections 1521, 1541, and 1542 of this title shall be paid monthly.

(b) Under regulations which the Secretary shall prescribe, benefits under sections 1521, 1541, and 1542 of this title may be paid less frequently than monthly if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable to a veteran under section 1521(b) of this title.

(Added Pub. L. 95-588, title I, §104(a), Nov. 4, 1978, 92 Stat. 2499, §508; amended Pub. L. 102-54, §14(b)(6), June 13, 1991, 105 Stat. 283; renumbered §1508 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

PRIOR PROVISIONS

Prior section 1508 was renumbered section 3108 of this title.

Another prior section 1508, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1173; Pub. L. 94-502, title I, §104(7), Oct. 15, 1976, 90 Stat. 2384, authorized Administrator to prescribe rules and regulations to promote good conduct and cooperation on the part of veterans receiving vocational rehabilitation under chapter 31 of this title, prior to the general revision of chapter 31 of this title by Pub. L. 96-466. Section 802(a)(3) of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title, provided that this prior section 1508 continue in effect until Mar. 31, 1981. See section 3111 of this title.

Prior section 1509 was renumbered section 3109 of this title.

Another prior section 1509, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1173; Pub. L. 94-502, title I, §104(8), (9), Oct. 15, 1976, 90 Stat. 2384, related to books, supplies, and equipment furnished a veteran under chapter 31 of this title, prior to the general revision of chapter 31 of this title by Pub. L. 96-466. Section 802(a)(3) of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title, provided that this prior section 1509 continue in effect until Mar. 31, 1981.

Prior section 1510 was renumbered section 3110 of this title.

Another prior section 1510, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1173; Pub. L. 94-502, title I, §104(10), Oct. 15, 1976, 90 Stat. 2384, related to vocational rehabilitation of persons hospitalized pending final discharge from the active military, naval, or air service, prior to the general revision of chapter 31 of this title by Pub. L. 96-466. Section 802(a)(3) of Pub. L. 96-466, set out as an Effective Date note under section 3100 of chapter 31 of this title, provided that this prior section 1510 continue in effect until Mar. 31, 1981. See section 3113 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 508 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “1521, 1541, and 1542” for “521, 541, and 542”.

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted “1521, 1541, and 1542” for “521, 541, and 542” and “1521(b)” for “521(b)”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102-54 substituted “percent” for “per centum”.

EFFECTIVE DATE

Section effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

SUBCHAPTER II—VETERANS' PENSIONS

SERVICE PENSION

[§ 1510. Vacant]

CODIFICATION

Prior to renumbering of sections 501 to 543 of this chapter as sections 1501 to 1543 by Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406, section 510 of this chapter, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1135, which provided monthly pension for persons who served in military or naval forces of Confederate States of America, was repealed by Pub. L. 94-169, title I, §101(2)(F), Dec. 23, 1975, 89 Stat. 1014, effective Jan. 1, 1976.

§ 1511. Indian War veterans

(a) The Secretary shall pay to each veteran of the Indian Wars who meets the service requirements of this section a pension at the following monthly rate:

(1) \$101.59; or

(2) \$135.45 if the veteran is in need of regular aid and attendance.

(b) A veteran meets the service requirements of this section if such veteran served in one of the Indian Wars—

(1) for thirty days or more; or

(2) for the duration of such Indian War;

in any military organization, whether or not such service was the result of regular muster into the service of the United States, if such service was under the authority or by the approval of the United States or any State.

(c)(1) Any veteran eligible for pension under this section shall, if such veteran so elects, be paid pension at the rates prescribed by section 1521 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable, except as provided in paragraph (2).

(2) The Secretary shall pay each month to each veteran of the Indian Wars who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (A) that provided by paragraph (2) of subsection (a) of this section, or (B) that which is payable to the veteran under section 1521 of this title if such veteran has elected, or would be payable if such veteran were to elect, to receive pension under such section pursuant to paragraph (1) of this subsection. Each change in the amount of pension payment required by this paragraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1135, §511; Pub. L. 86-670, §1, July 14, 1960, 74 Stat. 545; Pub. L. 90-77, title I, §111(a), Aug. 31, 1967, 81 Stat. 181; Pub. L. 94-169, title I, §106(16), Dec. 23, 1975, 89 Stat. 1017; renumbered §1511 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

PRIOR PROVISIONS

Prior section 1511 was renumbered section 3111 of this title.

Another prior section 1511, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1171, §1503, renumbered Pub. L. 89-138, §2(4), Aug. 26, 1965, 79 Stat. 578, and amended Pub. L. 94-502, title I, §§103, 104(11), Oct. 15, 1976, 90 Stat. 2384, related to training and training facilities under chapter 31 of this title, prior to the general revision of chapter 31 of this title by Pub. L. 96-466. Section 802(a)(3) of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title, provided that this prior section 1511 continue in effect until Mar. 31, 1981. See section 3115 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 511 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in introductory provisions.

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted “1521” for “521” in pars. (1) and (2).

Subsec. (c)(2). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1975—Subsecs. (b), (c). Pub. L. 94-169 substituted “such veteran” for “he” wherever appearing.

1967—Subsec. (c). Pub. L. 90-77 designated existing provisions as par. (1), inserted “except as provided in paragraph (2)”, and added par. (2).

1960—Subsec. (c). Pub. L. 86-670 added subsec. (c).

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Section 3 of Pub. L. 86-670 provided that: “This Act [amending this section and section 512 [now 1512] of this title] shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act [July 14, 1960].”

§ 1512. Spanish-American War veterans

(a)(1) The Secretary shall pay to each veteran of the Spanish-American War who meets the

service requirements of this subsection a pension at the following monthly rate:

(A) \$101.59; or

(B) \$135.45 if the veteran is in need of regular aid and attendance.

(2) A veteran meets the service requirements of this subsection if such veteran served in the active military or naval service—

(A) for ninety days or more during the Spanish-American War;

(B) during the Spanish-American War and was discharged or released from such service for a service-connected disability; or

(C) for a period of ninety consecutive days or more and such period began or ended during the Spanish-American War.

(3)(A) Any veteran eligible for pension under this subsection shall, if such veteran so elects, be paid pension at the rates prescribed by section 1521 of this title (except the rate provided under subsection (g) of such section), and under the conditions (other than the service requirements) applicable to pension paid under that section to veterans of a period of war. If pension is paid pursuant to such an election, the election shall be irrevocable.

(B) The Secretary shall pay each month to each Spanish-American War veteran who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (i) that provided by subparagraph (B) of subsection (a)(1) of this section, or (ii) that which is payable to the veteran under section 1521 of this title as in effect on December 31, 1978, under regulations which the Secretary shall prescribe. Each change in the amount of pension payment required by this subparagraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor.

(b)(1) The Secretary shall pay to each veteran of the Spanish-American War who does not meet the service requirements of subsection (a), but who meets the service requirements of this subsection, a pension at the following monthly rate:

(A) \$67.73; or

(B) \$88.04 if the veteran is in need of regular aid and attendance.

(2) A veteran meets the service requirements of this subsection if such veteran served in the active military or naval service—

(A) for seventy days or more during the Spanish-American War; or

(B) for a period of seventy consecutive days or more and such period began or ended during the Spanish-American War.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1135, §512; Pub. L. 86-670, §2, July 14, 1960, 74 Stat. 545; Pub. L. 90-77, title I, §111(b), Aug. 31, 1967, 81 Stat. 181; Pub. L. 94-169, title I, §106(17), Dec. 23, 1975, 89 Stat. 1017; Pub. L. 95-588, title I, §105, Nov. 4, 1978, 92 Stat. 2500; renumbered §1512 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

PRIOR PROVISIONS

A prior section 1512 was renumbered section 3112 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 512 of this title as this section.

Subsec. (a)(1). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in introductory provisions.

Subsec. (a)(3)(A). Pub. L. 102-83, §5(c)(1), substituted "1521" for "521".

Subsec. (a)(3)(B). Pub. L. 102-83, §5(c)(1), substituted "1521" for "521".

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places.

Subsec. (b)(1). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in introductory provisions.

1978—Subsec. (a)(3)(A). Pub. L. 95-588, §105(1), inserted "(except the rate provided under subsection (g) of such section)" after "of this title", substituted "a period of war" for "World War I", and struck out exception to pension elections formerly provided pursuant to subpar. (B).

Subsec. (a)(3)(B). Pub. L. 95-588, §105(2), substituted "as in effect on December 31, 1978, under regulations which the Administrator shall prescribe" for "if such veteran has elected, or would be payable if such veteran were to elect, to receive pension under such section pursuant to subparagraph (A) of this paragraph".

1975—Subsec. (a). Pub. L. 94-169 substituted "such veteran" for "he" wherever appearing.

Subsec. (b). Pub. L. 94-169 substituted "such veteran" for "he".

1967—Subsec. (a)(3). Pub. L. 90-77 designated existing provisions as subpar. (A), inserted "except as provided in subparagraph (B)", and added subpar. (B).

1960—Subsec. (a)(3). Pub. L. 86-670 added cl. (3).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-670 effective first day of second calendar month which begins after July 14, 1960, see section 3 of Pub. L. 86-670, set out as a note under section 1511 of this title.

§ 1513. Veterans 65 years of age and older

(a) The Secretary shall pay to each veteran of a period of war who is 65 years of age or older and who meets the service requirements of section 1521 of this title (as prescribed in subsection (j) of that section) pension at the rates prescribed by section 1521 of this title and under the conditions (other than the permanent and total disability requirement) applicable to pension paid under that section.

(b) If a veteran is eligible for pension under both this section and section 1521 of this title, pension shall be paid to the veteran only under section 1521 of this title.

(Added Pub. L. 107-103, title II, §207(a)(1), Dec. 27, 2001, 115 Stat. 991; amended Pub. L. 109-233, title V, §503(2), June 15, 2006, 120 Stat. 416.)

PRIOR PROVISIONS

Prior sections 1513 to 1520 were renumbered sections 3113 to 3120 of this title, respectively.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-233 inserted “section” after “prescribed by”.

EFFECTIVE DATE

Pub. L. 107-103, title II, §207(c), Dec. 27, 2001, 115 Stat. 991, provided that: “The amendments made by this section [enacting this section and amending sections 1521 and 1522 of this title] shall take effect as of September 17, 2001.”

NON-SERVICE-CONNECTED DISABILITY PENSION

§ 1521. Veterans of a period of war

(a) The Secretary shall pay to each veteran of a period of war who meets the service requirements of this section (as prescribed in subsection (j) of this section) and who is permanently and totally disabled from non-service-connected disability not the result of the veteran's willful misconduct, pension at the rate prescribed by this section, as increased from time to time under section 5312 of this title.

(b) If the veteran is unmarried (or married but not living with or reasonably contributing to the support of such veteran's spouse) and there is no child of the veteran in the custody of the veteran or to whose support the veteran is reasonably contributing, and unless the veteran is entitled to pension at the rate provided by subsection (d)(1) or (e) of this section, pension shall be paid to the veteran at the annual rate of \$11,830, reduced by the amount of the veteran's annual income.

(c) If the veteran is married and living with or reasonably contributing to the support of such veteran's spouse, or if there is a child of the veteran in the custody of the veteran or to whose support the veteran is reasonably contributing, pension shall be paid to the veteran at the annual rate of \$15,493, unless the veteran is entitled to pension at the rate provided by subsection (d)(2), (e), or (f) of this section. If the veteran has two or more such family members, such annual rate shall be increased by \$2,020 for each such family member in excess of one. The rate payable shall be reduced by the amount of the veteran's annual income and, subject to subsection (h)(1) of this section, the amount of annual income of such family members.

(d)(1) If the veteran is in need of regular aid and attendance, the annual rate of pension payable to the veteran under subsection (b) of this section shall be \$19,736, reduced by the amount of the veteran's annual income.

(2) If the veteran is in need of regular aid and attendance, the annual rate of pension payable to the veteran under subsection (c) of this section shall be \$23,396. If such veteran has two or more family members, as described in subsection (c) of this section, the annual rate of pension shall be increased by \$2,020 for each such family member in excess of one. The rate payable shall be reduced by the amount of the veteran's annual income and, subject to subsection (h)(1) of this section, the amount of annual income of such family members.

(e) If the veteran has a disability rated as permanent and total and (1) has additional disability or disabilities independently ratable at 60 per centum or more, or (2) by reason of a disability

or disabilities, is permanently housebound but does not qualify for pension at the aid and attendance rate provided by subsection (d) of this section, the annual rate of pension payable to the veteran under subsection (b) of this section shall be \$14,457 and the annual rate of pension payable to the veteran under subsection (c) of this section shall be \$18,120. If such veteran has two or more family members, as described in subsection (c) of this section, the annual rate of pension shall be increased by \$2,020 for each such family member in excess of one. The rate payable shall be reduced by the amount of the veteran's annual income and, subject to subsection (h)(1) of this section, the annual income of such family members.

(f)(1) If two veterans are married to one another and each meets the disability and service requirements prescribed in subsections (a) and (j), respectively, of this section, or the age and service requirements prescribed in section 1513 of this title, the annual rate of pension payable to such veterans shall be a combined annual rate of \$15,493.

(2) If either such veteran is in need of regular aid and attendance, the annual rate provided by paragraph (1) of this subsection shall be \$23,396. If both such veterans are in need of regular aid and attendance, such rate shall be \$30,480.

(3) If either such veteran would be entitled (if not married to a veteran) to pension at the rate provided by subsection (e) of this section, the annual rate provided by paragraph (1) of this subsection shall be \$18,120. If both such veterans would be entitled (if not married to one another) to such rate, such rate shall be \$20,747.

(4) If one such veteran is in need of regular aid and attendance and the other would be entitled (if not married to a veteran) to the rate provided for under subsection (e) of this section, the annual rate provided by paragraph (1) of this subsection shall be \$26,018.

(5) The annual rate provided by paragraph (1), (2), (3), or (4) of this subsection, as appropriate, shall (A) be increased by \$2,020 for each child of such veterans (or of either such veteran) who is in the custody of either or both such veterans or to whose support either such veteran is, or both such veterans are, reasonably contributing, and (B) be reduced by the amount of the annual income of both such veterans and, subject to subsection (h)(1) of this section, the annual income of each such child.

(g) The annual rate of pension payable under subsection (b), (c), (d), (e), or (f) of this section to any veteran who is a veteran of a period of war shall be increased by \$2,686 if veterans of such period of war were not provided educational benefits or home loan benefits similar to those provided to veterans of later periods of war under chapters 34 and 37, respectively, of this title or under prior corresponding provisions of law.

(h) For the purposes of this section:

(1) In determining the annual income of a veteran, if there is a child of the veteran who is in the custody of the veteran or to whose support the veteran is reasonably contributing, that portion of the annual income of the child that is reasonably available to or for the veteran shall be considered to be income of the

veteran, unless in the judgment of the Secretary to do so would work a hardship on the veteran.

(2) A veteran shall be considered as living with a spouse, even though they reside apart, unless they are estranged.

(i) If the veteran is entitled under this section to pension on the basis of such veteran's own service and is also entitled to pension on the basis of any other person's service, the Secretary shall pay such veteran only the greater benefit.

(j) A veteran meets the service requirements of this section if such veteran served in the active military, naval, or air service—

(1) for ninety days or more during a period of war;

(2) during a period of war and was discharged or released from such service for a service-connected disability;

(3) for a period of ninety consecutive days or more and such period began or ended during a period of war; or

(4) for an aggregate of ninety days or more in two or more separate periods of service during more than one period of war.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1136, § 521; Pub. L. 86-211, § 3(a), Aug. 29, 1959, 73 Stat. 433; Pub. L. 87-101, § 1, July 21, 1961, 75 Stat. 218; Pub. L. 88-664, §§ 3(a), (b), 5, 6(a), 7, Oct. 13, 1964, 78 Stat. 1094, 1095; Pub. L. 90-77, title I, § 104, title II, § 202(a)-(c), Aug. 31, 1967, 81 Stat. 179, 182; Pub. L. 90-275, § 1(a), (b), Mar. 28, 1968, 82 Stat. 64, 65; Pub. L. 91-588, §§ 1(a), (b), 3(b), 9(c), Dec. 24, 1970, 84 Stat. 1580, 1583, 1584; Pub. L. 92-198, §§ 1(a), (b), 5(b), Dec. 15, 1971, 85 Stat. 663, 664; Pub. L. 93-177, § 1(a), (b), Dec. 6, 1973, 87 Stat. 694; Pub. L. 93-527, § 2, Dec. 21, 1974, 88 Stat. 1702; Pub. L. 94-169, title I, §§ 102, 106(18), Dec. 23, 1975, 89 Stat. 1014, 1018; Pub. L. 94-432, title II, § 202, Sept. 30, 1976, 90 Stat. 1369; Pub. L. 95-204, title I, § 101, Dec. 2, 1977, 91 Stat. 1455; Pub. L. 95-588, title I, § 106(a), Nov. 4, 1978, 92 Stat. 2500; Pub. L. 102-40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1521 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 107-103, title II, § 207(b)(1), Dec. 27, 2001, 115 Stat. 991; Pub. L. 111-275, title VI, § 608(a), Oct. 13, 2010, 124 Stat. 2886.)

PRIOR PROVISIONS

Prior section 1521 was renumbered section 3121 of this title.

AMENDMENTS

2010—Subsec. (b). Pub. L. 111-275, § 608(a)(1), substituted “\$11,830” for “\$3,550”.

Subsec. (c). Pub. L. 111-275, § 608(a)(2), substituted “\$15,493” for “\$4,651” and “\$2,020” for “\$600”.

Subsec. (d)(1). Pub. L. 111-275, § 608(a)(3)(A), substituted “\$19,736” for “\$5,680”.

Subsec. (d)(2). Pub. L. 111-275, § 608(a)(3)(B), substituted “\$23,396” for “\$6,781” and “\$2,020” for “\$600”.

Subsec. (e). Pub. L. 111-275, § 608(a)(4), substituted “\$14,457” for “\$4,340”, “\$18,120” for “\$5,441”, and “\$2,020” for “\$600”.

Subsec. (f)(1). Pub. L. 111-275, § 608(a)(5)(A), substituted “\$15,493” for “\$4,651”.

Subsec. (f)(2). Pub. L. 111-275, § 608(a)(5)(B), substituted “\$23,396” for “\$6,781” and “\$30,480” for “\$8,911”.

Subsec. (f)(3). Pub. L. 111-275, § 608(a)(5)(C), substituted “\$18,120” for “\$5,441” and “\$20,747” for “\$6,231”.

Subsec. (f)(4). Pub. L. 111-275, § 608(a)(5)(D), substituted “\$26,018” for “\$7,571”.

Subsec. (f)(5). Pub. L. 111-275, § 608(a)(5)(E), substituted “\$2,020” for “\$600”.

Subsec. (g). Pub. L. 111-275, § 608(a)(6), substituted “\$2,686” for “\$800”.

2001—Subsec. (f)(1). Pub. L. 107-103 inserted “or the age and service requirements prescribed in section 1513 of this title,” after “of this section.”

1991—Pub. L. 102-83, § 5(a), renumbered section 521 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102-40 substituted “5312” for “3112”.

Subsecs. (h)(1), (i). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1978—Subsec. (a). Pub. L. 95-588 revised pension eligibility requirements to speak in terms of a veteran of any period of war rather than veterans of specifically named wars and inserted reference to periodic pension increases pursuant to section 3112 of this title.

Subsec. (b). Pub. L. 95-588 qualified parental requirement of this subsection by inserting custody provision, substituted a fixed pension amount of \$3,550 for a formula for determining such annual pension based upon the annual income of the veteran, and struck out monthly minimum and maximum pension payments.

Subsec. (c). Pub. L. 95-588 qualified parental requirement of this subsection by inserting custody provision, substituted a fixed pension amount of \$4,651 for a formula for determining such annual pension based upon annual income of the veteran, and inserted provision authorizing an annual pension rate increase of \$600 for each family member of the eligible veteran in excess of one.

Subsec. (d). Pub. L. 95-588 substituted \$5,680 as annual rate of pension payable to a veteran in need of regular aid and attendance under subsec. (b) of this section and \$6,781 as such rate payable to such veteran under subsec. (c) of this section for provision authorizing a rate increase of \$165 over and above the rate of pension payable under the applicable subsection in order to determine the rate payable to eligible veterans under this section and revised the method of reducing payments under this section by use of the recipient's annual income.

Subsec. (e). Pub. L. 95-588 substituted \$4,340 as annual rate of pension payable under subsec. (b) of this section for veterans eligible as recipients under this section and \$5,441 as such annual rate under subsec. (c) of this section for provision authorizing rate increases of \$61 per month for eligible veterans over and above the appropriate rate of pension payment under the applicable subsection, inserted provision authorizing increases of \$600 per year in pension rates for recipients with eligible family members in excess of one, and provided for an annual income reduction in the pension rate payable.

Subsec. (f). Pub. L. 95-588 substituted provisions relating to pension payments to veterans married to each other for provisions authorizing the inclusion of a spouse's annual income reasonably available to an eligible veteran in the computation of the annual income of an eligible veteran.

Subsec. (g). Pub. L. 95-588 substituted provisions authorizing annual pension payment rate increases of \$800 per year for eligible veterans who served in periods of war which did not entitle them to educational or home loan benefits similar to those paid veterans of subsequent periods of war for provisions specifying the eligibility service requirements of this section.

Subsec. (h). Pub. L. 95-588 substituted provisions authorizing inclusion of income of a dependent child in custody of recipient veteran in computing annual income of such veteran and authorizing consideration of a veteran and his or her spouse as living together, even though they actually live apart, for provisions authorizing a twenty-five per cent rate increase in pension payments to a veteran who has attained age seventy-eight.

Subsecs. (i), (j). Pub. L. 95-588 added subsecs. (i) and (j).

1977—Subsec. (b)(1). Pub. L. 95-204, §101(1), increased monthly rate of pension from \$185 to \$197, and substituted “1,100” for “1,500” in two places, “1,700” for “1,800” in two places, and “3,770” for “3,540”.

Subsec. (b)(3). Pub. L. 95-204, §101(2), substituted “\$3,770” for “\$3,540”.

Subsec. (c)(1). Pub. L. 95-204, §101(3), increased monthly rates of pension from \$199 to \$212, \$204 to \$217, and \$209 to \$222, and substituted “1,000” for “1,100” in two places, “2,000” for “2,400” in two places, “3,000” for “3,100” in two places, “3,200” for “3,500” in two places, “3,600” for “3,700” in two places and “5,070” for “4,760”.

Subsec. (c)(3). Pub. L. 95-204, §101(4), substituted “\$5,070” for “\$4,760”.

Subsec. (d). Pub. L. 95-204, §101(5), substituted “\$165” for “\$155” in pars. (1) and (2).

Subsec. (e). Pub. L. 95-204, §101(6), substituted “\$61” for “\$57”.

1976—Subsec. (b)(1). Pub. L. 94-432, §202(1), increased monthly rate of pension from \$173 to \$185 and substituted \$700 to \$900 for \$700 to \$1,200, \$900 to \$1,500 for \$1,200 to \$1,700, \$1,500 to \$1,800 for \$1,700 to \$2,000, and \$1,800 to \$3,540 for \$2,000 to \$3,300.

Subsec. (b)(3). Pub. L. 94-432, §202(2), substituted “\$3,540” for “\$3,300”.

Subsec. (c)(1). Pub. L. 94-432, §202(3), increased monthly rate of pension by \$13 from \$186 to \$199, from \$191 to \$204, and from \$196 to \$209, of a veteran with 1, 2, and 3 dependents, substituting “he or she” for “such veteran” in three places, substituted \$700 to \$1100 for \$700 to \$1,300, \$1,100 to \$2,400 for \$1,300 to \$2,800, \$2,400 to \$3,100 for \$2,800 to \$3,200, \$3,100 to \$3,500 for \$3,200 to \$3,800, and \$3,700 to \$4,760 for \$3,800 to \$4,500, and inserted “.07” ranging from \$3,500 to \$3,700.

Subsec. (c)(3). Pub. L. 94-432, §202(4), substituted “\$4,760” for “\$4,500”.

Subsec. (d). Pub. L. 94-432, §202(5), designated existing provisions as par. (1), substituted “\$155” for “\$133” and added par. (2).

Subsec. (e). Pub. L. 94-432, §202(6), substituted “\$57” for “\$53”.

Subsec. (h). Pub. L. 94-432, §202(7), added subsec. (h).

1975—Subsec. (b). Pub. L. 94-169, §102(1), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, monthly rate of pension from \$160 to \$173, substituted \$500 to \$700 for \$500 to \$900, \$700 to \$1200 for \$900 to \$1500, \$1200 to \$1700 for \$1500 to \$1900, \$1700 to \$2000 for \$1900 to \$2300, \$2000 to \$3300 for \$2300 to \$3000 the minimum and maximum income ranges for which the pension rate will be reduced by 4, 5, 6, 7 and 8 cents per dollar, respectively, and increased from \$3000 to \$3300 the maximum income in excess of which no pension shall be paid.

Subsec. (c). Pub. L. 94-169, §102(1), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, from \$172 to \$186, from \$177 to \$191 and from \$182 to \$196 the rate of pension of a veteran with 1, 2 and 3 dependents, respectively, substituted \$700 to \$1300 for \$700 to \$1800, \$1300 to \$2800 for \$1800 to \$3000, \$2800 to \$3200 for \$3000 to \$3500, \$3200 to \$3800 for \$3500 to \$3800, and \$3800 to \$4500 for \$4000 to \$4200 the minimum and maximum income ranges for which the pension rate will be reduced by 3, 4, 5, 6 and 8 cents per dollar, respectively, struck out the income range of \$3800 to \$4000 for which the reduction rate is 7 cents per dollar, increased from \$4200 to \$4500 the income in excess of which no pension shall be paid, and inserted provision that in no case may the amount of pension be less than \$5 monthly.

Subsec. (d). Pub. L. 94-169, §102(2), substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, “such veteran” for “him” and “\$133” for “\$123”.

Subsec. (e). Pub. L. 94-169, §102(3), substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, “such veteran’s” for “his”, “such veteran” for “him” and “\$53” for “\$49”.

Subsec. (g). Pub. L. 94-169, §106(18), substituted “such veteran” for “he”.

1974—Subsec. (b). Pub. L. 93-527, §2(1), substituted “\$160” for “\$143”, “\$500” for “\$800” wherever appearing, “\$900” for “\$1300” wherever appearing, “\$1500” for “\$1600” wherever appearing, “\$1900” for “\$2200” wherever appearing, “\$2300” for “\$2500” wherever appearing, and “\$3000” for “\$2600” wherever appearing, and inserted provision that in no event should monthly rate of pension be less than \$5.00.

Subsec. (c). Pub. L. 93-527, §2(2), substituted “\$172” for “\$154”, “\$177” for “\$159”, “\$182” for “\$164”, “\$700” for “\$800” wherever appearing, “\$1800” for “\$2600” wherever appearing, “\$3000” for “\$3200” wherever appearing, “\$3500” for “\$3700” wherever appearing, and inserted provisions for the reduction by 7 cents for each dollar of annual income in excess of \$3800 up to and including \$4000, and reduction by 8 cents for each dollar of annual income in excess of \$4000 up to and including \$4200, and raised maximum income from \$3800 to \$4200.

Subsec. (d). Pub. L. 93-527, §2(3), substituted “\$123” for “\$110”.

Subsec. (e). Pub. L. 93-527, §2(4), substituted “\$49” for “\$44”.

1973—Subsec. (b). Pub. L. 93-177, §1(a), substituted “\$143” for “\$130”, “\$800” for “\$1,000”, “\$1,300” for “\$1,500”, “\$1,600” for “\$1,800”, and “\$2,500” for “\$2,600” in existing provisions and inserted provision for a reduction of 8 cents in monthly rate for each \$1 of annual income in excess of \$2,500 up to and including \$2,600.

Subsec. (c). Pub. L. 93-177, §1(b), substituted “\$154” for “\$140”, “\$159” for “\$145”, “\$164” for “\$150”, “\$800” for “\$900”, “\$2,600” for “\$3,200”, and “\$3,700” for “\$3,800” in existing provisions and inserted provisions for a reduction of 4 cents in monthly rate for each \$1 of annual income in excess of \$2,600 up to and including \$3,200 and for a reduction of 6 cents in monthly rate for each \$1 of annual income in excess of \$3,700 up to and including \$3,800.

1971—Subsec. (b). Pub. L. 92-198, §1(a), substituted formula for computing monthly pension rates of single veteran providing for a maximum monthly pension for each group within designated income category and for computing each individual’s monthly benefit rate by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table setting out the income and pension rates, and raised the maximum income from \$2300 to \$2600.

Subsec. (c). Pub. L. 92-198, §1(b), substituted formula for computing monthly pension rates of veteran with dependents by providing for maximum monthly pension for each group within designated income category depending on the number of dependents and for computing each individual’s monthly benefit rate by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table setting out the income and pension rates, and raised the maximum income limit from \$3500 to \$3800.

Subsec. (g)(3). Pub. L. 92-198, §5(b), inserted reference to Mexican border period.

1970—Pub. L. 91-588, §9(c)(3), inserted reference to Mexican border period in section catchline.

Subsec. (a). Pub. L. 91-588, §9(c)(1), inserted reference to Mexican border period.

Subsec. (b). Pub. L. 91-588, §1(a), provided new annual income limits to measure monthly pension rates of single veteran by adding minimum income limits of \$2,000, \$2,100 and \$2,200 with maximum limits of \$2,100, \$2,200 and \$2,300 for monthly benefits of \$45, \$37 and \$29, respectively, and within existing annual income limits from a maximum of \$300 to a maximum of \$2,000, as well as the in-between limits set out in one-hundred dollar increments, the applicable monthly benefit for each limit was amended, respectively by substituting in column II “121” for “\$110”, “119” for “108”, “117” for “106”, “115” for “104”, “112” for “100”, “108” for “96”, “104” for “92”, “100” for “88”, “96” for “84”, “92” for “79”, “88” for “75”, “84” for “69”, “79” for “63”, “75” for “57”, “69” for “51”, “63” for “45”, “57” for “37”, and “51” for “29”.

Subsec. (c). Pub. L. 91-588, §1(b), provided new annual income limits to measure monthly pension rates of veteran with dependents by adding minimum income limits of \$3,200, \$3,300, and \$3,400 with maximum limits of \$3,300, \$3,400, and \$3,500 for monthly benefits of \$50, and within existing annual income limits from a maximum of \$500 to a maximum of \$3,200, as well as in-between limits set out in one-hundred dollar increments, the applicable monthly benefits for each limit was amended, respectively, by substituting in column II (one dependent) “\$132” for “\$120”, “130” for “118”, “128” for “116”, “126” for “114”, “124” for “112”, “122” for “109”, in column III (two dependents) “\$137” for “\$125”, “135” for “123”, “133” for “121”, “131” for “119”, “129” for “117”, “127” for “114”, in column IV (three or more dependents) “\$142” for “\$130”, “140” for “128”, “138” for “126”, “136” for “124”, “134” for “122”, “132” for “119”, and in columns II, III, and IV (for any number of dependents) “119” for “107”, “116” for “105”, “113” for “103”, “110” for “101”, “107” for “99”, “104” for “96”, “101” for “93”, “99” for “90”, “96” for “87”, “93” for “84”, “90” for “81”, “87” for “78”, “84” for “75”, “81” for “72”, “78” for “69”, “75” for “66”, “72” for “62”, “69” for “58”, “66” for “54”, “62” for “50”, “58” for “42”, and “54” for “34”.

Subsec. (d). Pub. L. 91-588, §3(b)(1), substituted “\$110” for “\$100”.

Subsec. (e). Pub. L. 91-588, §3(b)(2), substituted “44” for “\$40”.

Subsec. (g)(1), (2). Pub. L. 91-588, §9(c)(2), inserted reference to Mexican border period.

1968—Subsec. (b). Pub. L. 90-275, §1(a), in providing new annual income limits to measure monthly pension rates of single veteran, substituted minimum income limit of \$300 for monthly benefit of \$110 for former \$600 limit for monthly benefit of \$104, maximum income limit of \$2,000 for monthly benefit of \$29 for former \$1,800 limit for monthly benefit of \$45, and sixteen other in-between limits in one hundred dollar increments from more than \$300 to less than \$1,900 for monthly benefits of \$108-37 for former in-between limit of more than \$600 but less than \$1,200 for monthly benefit of \$79.

Subsec. (c). Pub. L. 90-275, §1(b), in providing new annual income limits to measure monthly pension rates of veteran with dependents, substituted minimum income limit of \$500 for monthly benefit of \$120 (one dependent), \$125 (two dependents), and \$130 (three or more dependents) for former \$1,000 limit for monthly benefit of \$109 (one dependent), \$114 (two dependents), and \$119 (three or more dependents), maximum income limit of \$3,200 for monthly benefit of \$34 (for any number of dependents) for former \$3,000 limit for monthly benefit of \$50 (for any number of dependents), and twenty-six other in-between limits in one hundred dollar increments from more than \$500 to less than \$3,100 for monthly benefits of \$118 to 42 (one dependent), \$123 to 42 (two dependents), and \$128 to 42 (three or more dependents) for former in-between limit of more than \$1,000 but less than \$2,000 for monthly benefit of \$84 (for any number of dependents).

1967—Pub. L. 90-77, §202(c), inserted reference to Vietnam era in section catchline.

Subsec. (a). Pub. L. 90-77, §202(a), inserted reference to Vietnam era.

Subsec. (b). Pub. L. 90-77, §104(a), increased monthly pension rate in column II from \$100, \$75, and \$43 to \$104, \$79, and \$45 respectively.

Subsec. (c). Pub. L. 90-77, §104(b), increased monthly pension rate in column II from \$105, \$80, and \$48 to \$109, \$84, and \$50; column III from \$110, \$80, and \$48 to \$114, \$84, and \$50; and column IV from \$115, \$80, and \$48 to \$119, \$84, and \$50, respectively.

Subsec. (e). Pub. L. 90-77, §104(c), substituted “\$40” for “\$35”.

Subsec. (g). Pub. L. 90-77, §202(b), inserted references to Vietnam era in pars. (1) to (3).

1964—Subsec. (b). Pub. L. 88-664, §3(a), increased monthly pension rate in column II from \$85, \$70, and \$40 to \$100, \$75, and \$43, respectively.

Subsec. (c). Pub. L. 88-664, §3(b), increased monthly pension rate in column II from \$90, \$75, and \$45 to \$105, \$80, and \$48; column III from \$95, \$75, and \$45 to \$110, \$80, and \$48; and column IV from \$100, \$75, and \$45 to \$115, \$80, and \$48, respectively.

Subsec. (d). Pub. L. 88-664, §5, increased additional monthly rate of veterans in need of aid and attendance from \$70 to \$100.

Subsecs. (e), (f). Pub. L. 88-664, §§6(a), 7, added subsec. (e), redesignated former subsec. (e) as (f) and substituted “in excess of whichever is the greater, \$1,200 or the total earned income of the spouse,” for “except \$1,200 of such income” in par. (1). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 88-664, §6(a), redesignated former subsec. (f) as (g).

1961—Subsec. (f)(4). Pub. L. 87-101 added par. (4).

1959—Subsec. (a). Pub. L. 86-211, §3(a)(2), struck out provisions that prescribed amount of monthly pension payable. See subsecs. (b) to (d) of this section.

Subsecs. (b) to (e). Pub. L. 86-211, §3(a)(3), added subsecs. (b) to (e). Former subsec. (b) redesignated (f).

Subsec. (f). Pub. L. 86-211, §3(a)(1), redesignated former subsec. (b) as (f).

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-275, title VI, §608(d), Oct. 13, 2010, 124 Stat. 2887, provided that: “The amendments made by subsections (a), (b), and (c) [amending this section and sections 1541 and 1542 of this title] shall apply with respect to pensions paid on or after December 1, 2009.”

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-103 effective Sept. 17, 2001, see section 207(c) of Pub. L. 107-103, set out as an Effective Date note under section 1513 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-204 effective Jan. 1, 1978, see section 302 of Pub. L. 95-204, set out as a note under section 1122 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 405 of Pub. L. 94-432 provided that:

“(a) The provisions of this Act [see Tables for classification], other than titles II and III and section 401, shall take effect on the date of the enactment of this Act [Sept. 30, 1976].

“(b) Titles II and III [see Tables for classification] and section 401 of this Act [amending section 322 [now 1122] of this title] shall take effect January 1, 1977.”

EFFECTIVE DATE OF 1975 AMENDMENT

Section 102 of Pub. L. 94-169, as amended by section 101 of Pub. L. 94-432, eff. Sept. 30, 1976, provided that the amendment made by that section is effective Jan. 1, 1976.

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 10 of Pub. L. 93-527 provided that: “This Act [see Tables for classification] shall take effect on January 1, 1975.”

EFFECTIVE DATE OF 1973 AMENDMENT

Section 8 of Pub. L. 93-177 provided that: “This Act [see Tables for classification] shall take effect on January 1, 1974.”

EFFECTIVE DATE OF 1971 AMENDMENT

Section 6 of Pub. L. 92-198 provided that: “This Act [see Tables for classification] shall take effect on January 1, 1972.”

EFFECTIVE DATE OF 1970 AMENDMENT

Section 10 of Pub. L. 91-588 provided that:

“(a) Sections 1, 2(a), (b), and (c), 3, 4, 5, 6, 7, 8, and 9 [see Tables for classification] shall take effect on January 1, 1971.

“(b) Sections 2(d) and 6 [amending sections 415 and 506 [now 1315 and 1506] of this title] shall take effect on January 1, 1972.”

[In view of the similarity of subject matter covered by amendments made by sections 2(d) and 6 of Pub. L. 91-588, the effective date for the amendment made by section 6 was probably intended by Congress to be Jan. 1, 1972, as called for in subsec. (b) of section 10 of Pub. L. 91-588, rather than Jan. 1, 1971, as called for in subsec. (a) of that section.]

EFFECTIVE DATE OF 1968 AMENDMENT

Section 6 of Pub. L. 90-275 provided that:

“(a) The first section and sections 2 and 4 of this Act [amending this section and sections 415 and 541 [now 1315 and 1541] of this title and enacting provisions set out below] shall take effect on January 1, 1969.

“(b) Sections 3 and 5 of this Act [enacting provisions set out below and amending section 3012 [now 5112] of this title] shall take effect on the first day of the first calendar month following the month of initial payment of increases in monthly insurance benefits provided by the Social Security Amendments of 1967 [see Short Title note under section 302 of Title 42, the Public Health and Welfare].”

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-664 and provisions of section 10 of Pub. L. 88-664, set out as a note below, effective Jan. 1, 1965, see section 11 of Pub. L. 88-664, set out as a note under section 1503 of this title.

EFFECTIVE DATE OF 1961 AMENDMENT

Section 2 of Pub. L. 87-101 provided that: “Pension shall not be paid for any period prior to the effective date of this Act [July 21, 1961] to any person whose eligibility for pension is established solely by virtue of this Act [amending this section].”

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-211 effective July 1, 1960, see section 10 of Pub. L. 86-211, set out as an Effective Date note under section 1506 of this title.

SAVINGS PROVISION FOR PERSONS ENTITLED TO PENSION AS OF DECEMBER 31, 1978; OTHER PROVISIONS

Section 306 of Pub. L. 95-588, as amended by Pub. L. 102-40, title IV, §402(d)(2), May 7, 1991, 105 Stat. 239; Pub. L. 102-83, §§5(c)(2), 6(c), Aug. 6, 1991, 105 Stat. 406, 407, provided that:

“(a)(1)(A) Except as provided in subparagraph (B), any person who as of December 31, 1978, is entitled to receive pension under section 1521, 1541, or 1542 [formerly 521, 541, or 542] of title 38, United States Code, may elect to receive pension under such section as in effect after such date, subject to the terms and conditions in effect with respect to the receipt of such pension. Any such election shall be made in such form and manner as the Secretary of Veterans Affairs (hereinafter in this section referred to as the ‘Secretary’) may prescribe. If pension is paid pursuant to such an election, the election shall be irrevocable.

“(B) Any veteran eligible to make an election under subparagraph (A) who is married to another veteran who is also eligible to make such an election may not make such an election unless both such veterans make such an election.

“(2) Any person eligible to make an election under paragraph (1) who does not make such an election shall continue to receive pension at the monthly rate being paid to such person on December 31, 1978, subject to all provisions of law applicable to basic eligibility for and payment of pension under section 1521, 1541, or 1542 [formerly 521, 541, or 542], as appropriate, of title 38, United States Code, as in effect on December 31, 1978, except that—

“(A) a pension may not be paid to such person if such person’s annual income (determined in accordance with section 1503 [formerly 503] of title 38, United States Code, as in effect on December 31, 1978) exceeds \$4,038, in the case of a veteran or surviving spouse without dependents, \$5,430, in the case of a veteran or surviving spouse with one or more dependents, or \$3,299, in the case of a child; and

“(B) the amount prescribed in subsection (f)(1) of section 1521 [formerly 521] of such title (as in effect on December 31, 1978) shall be \$1,285; as each such amount is increased from time to time under paragraph (3).

“(3) Whenever there is an increase under section 5312 [formerly 3112] of title 38, United States Code (as added by section 304 of this Act), in the maximum annual rates of pension under sections 1521, 1541, and 1542 [formerly 521, 541, and 542] of such title, as in effect after December 31, 1978, the Secretary shall, effective on the date of such increase under such section 5312 [formerly 3112], increase—

“(A) the annual income limitations in effect under paragraph (2); and

“(B) the amount of income of a veteran’s spouse excluded from the annual income of such veteran under section 1521(f)(1) [formerly 521(f)(1)] of such title, as in effect on December 31, 1978;

by the same percentage as the percentage by which such maximum annual rates under such sections 1521, 1541, and 1542 [formerly 521, 541, and 542] are increased.

“(b)(1) [Subsec. (b)(1) which provided for the repeal, effective Jan. 1, 1979, of section 9 of the Veterans’ Pension Act of 1959, Pub. L. 86-211, §9, Aug. 29, 1959, 73 Stat. 436, has been executed to note set out under this section.]

“(2)(A) Except as provided in subparagraph (B), any person who as of December 31, 1978, is entitled to receive pension under section 9(b) of the Veterans’ Pension Act of 1959 Pub. L. 86-211, §9, Aug. 29, 1959, 73 Stat. 436 [formerly set out as a note under this section] may elect to receive pension under section 1521, 1541, or 1542 [formerly 521, 541, or 542] of title 38, United States Code, as in effect after such date, subject to the terms and conditions in effect with respect to the receipt of such pension. Any such election shall be made in such form and manner as the Secretary may prescribe. If pension is paid pursuant to such an election, the election shall be irrevocable.

“(B) Any veteran eligible to make an election under subparagraph (A) who is married to another veteran who is also eligible to make such an election may not make such an election unless both such veterans make such an election.

“(3) Any person eligible to make an election under paragraph (2) who does not make such an election shall continue to receive pension at the monthly rate being paid to such person on December 31, 1978, subject to all provisions of law applicable to basic eligibility for and payment of pension under section 9(b) of the Veterans’ Pension Act of 1959 Pub. L. 86-211, §9(b), Aug. 29, 1959, 73 Stat. 436 [formerly set out below], as in effect on December 31, 1978, except that pension may not be paid to such person if such person’s annual income (determined in accordance with the applicable provisions of law, as in effect on December 31, 1978) exceeds \$3,534, in the case of a veteran or surviving spouse without dependents or in the case of a child, or \$5,098, in the case of a veteran or surviving spouse with one or more dependents, as each such amount is increased from time to time under paragraph (4).

“(4) Whenever there is an increase under section 5312 [formerly 3112] of title 38, United States Code (as added

by section 304 of this Act), in the maximum annual rates of pension under sections 1521, 1541, and 1542 [formerly 521, 541, and 542] of such title, as in effect after December 31, 1978, the Secretary shall, effective on the date of such increase under such section 5312 [formerly 3112], increase the annual income limitations in effect under paragraph (3) by the same percentage as the percentage by which the maximum annual rates under such sections 1521, 1542, and 1543 [formerly 521, 542, and 543] are increased.

“(c) Any case in which—

“(1) a claim for pension is pending in the Veterans' Administration on December 31, 1978;

“(2) a claim for pension is filed by a veteran after December 31, 1978, and within one year after the date on which such veteran became totally and permanently disabled, if such veteran became totally and permanently disabled before January 1, 1979; or

“(3) a claim for pension is filed by a surviving spouse or by a child after December 31, 1978, and within one year after the date of death of the veteran through whose relationship such claim is made, if the death of such veteran occurred before January 1, 1979; shall be adjudicated under title 38, United States Code, as in effect on December 31, 1978. Any benefits determined to be payable as the result of the adjudication of such a claim shall be subject to the provisions of subsection (a).

“(d) In any case in which any person who as of December 31, 1978, is entitled to receive pension under section 1521, 1541, or 1542 [formerly 521, 541, or 542] of title 38, United States Code, or under section 9(b) of the Veterans' Pension Act of 1959 Pub. L. 86-211, 6, 9(b), Aug. 29, 1959, 73 Stat. 436 [formerly set out as a note under this section], elects (in accordance with subsection (a)(1) or (b)(2), as appropriate) before October 1, 1979, to receive pension under such section as in effect after December 31, 1978, the Administrator of Veterans' Affairs shall pay to such person an amount equal to the amount by which the amount of pension benefits such person would have received had such election been made on January 1, 1979, exceeds the amount of pension benefits actually paid to such person for the period beginning on January 1, 1979, and ending on the date preceding the date of such election.

“(e) Whenever there is an increase under subsections (a)(3) and (b)(4) in the annual income limitations with respect to persons being paid pension under subsections (a)(2) and (b)(3), the Secretary shall publish such annual income limitations, as increased pursuant to such subsections, in the Federal Register at the same time as the material required by section 215(i)(2)(D) of the Social Security Act [section 415(i)(2)(D) of Title 42, The Public Health and Welfare] is published by reason of a determination under section 215(i) of such Act.”

SAVINGS PROVISION

Section 9 of Pub. L. 86-211, which provided (1) that any claim for pension which was pending on June 30, 1960, or any claim for death pension filed thereafter within one year from the date of death of a veteran which occurred prior to July 1, 1960, would be adjudicated under this title in effect on June 30, 1960, with respect to the period before July 1, 1960, and, except as provided below, under this title, as amended by Pub. L. 86-211, thereafter; (2) that nothing in Pub. L. 86-211 would affect the eligibility of any person receiving pension under this title on June 30, 1960, for pension under all applicable provisions of this title in effect on that date for such period or periods thereafter with respect to which he could qualify under such provisions and that this provision would not apply in any case for any period after pension was granted, pursuant to application, under this title as amended by Pub. L. 86-211; and (3) that provision (2) would not apply to those claims within the purview of provision (1) in which it was determined that pension was payable for June 30, 1960, was repealed, effective Jan. 1, 1979, by section 306(b)(1) of Pub. L. 95-588, set out as a note above.

INCREASE IN AID AND ATTENDANCE RATES FOR VETERANS ELIGIBLE FOR PENSION

Pub. L. 105-178, title VIII, §8206, June 9, 1998, 112 Stat. 494, provided that: “Effective October 1, 1998, the maximum annual rates of pension in effect as of September 30, 1998, under the following provisions of chapter 15 of title 38, United States Code, are increased by \$600:

“(1) Subsections (d)(1), (d)(2), (f)(2), and (f)(4) of section 1521.

“(2) Section 1536(d)(2).”

REPORT TO CONGRESSIONAL COMMITTEES; MEDICAL EXAMINATIONS OF CERTAIN PENSION RECIPIENTS

Pub. L. 98-543, title III, §302, Oct. 24, 1984, 98 Stat. 2747, directed Administrator of Veterans' Affairs to report to Committees on Veterans' Affairs of House of Representatives and Senate not later than 28 months after Oct. 24, 1984, on results of medical examinations conducted on certain individuals awarded pensions under this section as permanently and totally disabled by reason of being 65 years of age or older or becoming unemployable after age 65.

STUDY OF PENSION BENEFITS PAID TO PERSONS RESIDING OUTSIDE UNITED STATES; TRANSMITTAL OF REPORT AND RECOMMENDATIONS TO PRESIDENT AND CONGRESS

Pub. L. 95-588, title III, §308, Nov. 4, 1978, 92 Stat. 2510, directed Administrator of Veterans' Affairs, in consultation with Secretary of State, to carry out a comprehensive study of income characteristics of veterans of a period of war, as defined in section 101(11) of this title, and their survivors residing outside the fifty States and the District of Columbia, required submission of a report to Congress and President on results of such study not later than Feb. 1, 1980.

PENSION, DEPENDENCY, AND INDEMNITY COMPENSATION; RELATION TO SOCIAL SECURITY AMENDMENTS OF 1967

Section 3 of Pub. L. 90-275 provided that:

“(a) If the monthly rate of pension or dependency and indemnity compensation payable to a person under title 38, United States Code, would be less, solely as a result of an increase in monthly insurance benefits provided by the Social Security Amendments of 1967 [see Short Title note set out under section 302 of Title 42, The Public Health and Welfare], than the monthly rate payable for the month immediately preceding the effective date of this Act [see Effective Date of 1968 Amendment note set out above], the Administrator of Veterans' Affairs shall pay the person as follows:

“(1) for the balance of calendar year 1968 and during calendar year 1969, at the prior monthly rate;

“(2) during the calendar year 1970, at the rate for the next \$100 annual income limitation higher than the maximum annual income limitation corresponding to the prior monthly rate; and

“(3) during each successive calendar year, at the rate for the next \$100 annual income limitation higher than the one applied for the preceding year, until the rate corresponding to actual countable income is reached.

“(b) Subsection (a) shall not apply for any period during which annual income of such person, exclusive of an increase in monthly insurance benefits provided by the Social Security Amendments of 1967 [see Short Title note set out under section 302 of Title 42], exceeds the amount of annual income upon which was based the pension or dependency and indemnity compensation payable to the person immediately prior to receipt of the increase.”

[Provisions of section 3 of Pub. L. 90-275 effective on first day of first calendar month following month of initial payment of increases in monthly insurance benefits provided by Social Security Amendments of 1967 [see Short Title note set out under section 302 of Title 42], see section 6(b) of Pub. L. 90-275, set out as an Effective Date of 1968 Amendment note above.]

INCOME RESTRICTIONS ON PENSIONS; EFFECTIVE DATES

Section 4 of Pub. L. 90-275, as amended by Pub. L. 91-588, §5; Pub. L. 92-198, §4; Pub. L. 93-527, §6; Pub. L. 94-169, §107; Pub. L. 94-432, §206; Pub. L. 95-204, §105, provided that: "The income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 [formerly set out in a Savings Provision note above] hereafter shall be \$3,300 and \$4,760 instead of \$3,100 and \$4,460, respectively."

Section 4 of Pub. L. 90-275, as originally enacted, was eff. Jan. 1, 1969, pursuant to Pub. L. 90-275, §6(a). Subsequent amendments to said section 4 by Pub. L. 91-588, Pub. L. 92-198, and Pub. L. 94-169 were effective Jan. 1, 1971, Jan. 1, 1972, and for a period beginning Jan. 1, 1976 and ending Sept. 30, 1976, respectively. Pub. L. 94-432, §§101, 405(b) amended said section 4 of Pub. L. 90-275 and section 107 of Pub. L. 94-169 to be effective Jan. 1, 1976 and Jan. 1, 1977, respectively. Pub. L. 95-204, §302 amended said section 4 of Pub. L. 90-275 to be effective Jan. 1, 1978.

AID AND ATTENDANCE ALLOWANCE FOR WIDOWS OF VETERANS OF ALL PERIODS OF WAR

Pub. L. 90-77, title I, §108(c), Aug. 31, 1967, 81 Stat. 180, provided that: "If any widow is entitled to pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 [formerly set out in a Savings Provision note above] and is in need of regular aid and attendance, the monthly rate of pension payable to her shall be increased by \$50."

PENSION FOR HOUSEBOUND VETERANS

Pub. L. 90-77, title I, §110, Aug. 31, 1967, 81 Stat. 180, provided that: "The Administrator of Veterans' Affairs shall pay to a veteran who is entitled to pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 [formerly set out in a Savings Provision note above] and who—

- "(1) has, in addition to a disability rated as permanent and total, additional disability or disabilities independently ratable at 60 per centum or more, or
- "(2) by reason of his disability or disabilities, is permanently housebound but does not qualify for pension based on need of regular aid and attendance, in lieu of the pension otherwise payable to him, a pension at the monthly rate of \$100."

RETIREMENT INCOME EXCLUSION

Section 10 of Pub. L. 88-664 provided that: "In computing the income of persons whose pension eligibility is subject to the first sentence of section 9(b) of the Veterans' Pension Act of 1959 [formerly set out in a Savings Provision note above] there shall be excluded 10 per centum of the amount of payments received under public or private retirement, annuity, endowment or similar plans or programs."

§ 1522. Net worth limitation

(a) The Secretary shall deny or discontinue the payment of pension to a veteran under section 1513 or 1521 of this title when the corpus of the estate of the veteran or, if the veteran has a spouse, the corpus of the estates of the veteran and of the veteran's spouse is such that under all the circumstances, including consideration of the annual income of the veteran, the veteran's spouse, and the veteran's children, it is reasonable that some part of the corpus of such estates be consumed for the veteran's maintenance.

(b) The Secretary shall deny or discontinue the payment of increased pension under subsection (c), (d), (e), or (f) of section 1521 of this title on account of a child when the corpus of such child's estate is such that under all the cir-

cumstances, including consideration of the veteran's and spouse's income, and the income of the veteran's children, it is reasonable that some part of the corpus of such child's estate be consumed for the child's maintenance. During the period such denial or discontinuance remains in effect, such child shall not be considered as the veteran's child for purposes of this chapter.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1136, §522; Pub. L. 86-211, §3(b), Aug. 29, 1959, 73 Stat. 434; Pub. L. 95-588, title I, §107, Nov. 4, 1978, 92 Stat. 2502; renumbered §1522 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 107-103, title II, §207(b)(2), Dec. 27, 2001, 115 Stat. 991.)

AMENDMENTS

2001—Subsec. (a). Pub. L. 107-103 inserted "1513 or" before "1521 of this title".

1991—Pub. L. 102-83, §5(a), renumbered section 522 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted "1521" for "521" in subsecs. (a) and (b).

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in subsecs. (a) and (b).

1978—Pub. L. 95-588 designated existing provisions as subsec. (a), inserted provisions relating to consideration of the income and estates of the spouse and children of an eligible veteran, and added subsec. (b).

1959—Pub. L. 86-211 substituted provisions requiring the denial or discontinuance of payment of pension when the corpus of the veteran's estate is such that under all the circumstances, including consideration of the veteran's income, it is reasonable that some part of the corpus be consumed for the veteran's maintenance for provisions which prohibited the payment of a pension to any unmarried veteran whose annual income exceeds \$1,400 or to any married veteran or any veteran with children whose annual income exceeds \$2,700.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-103 effective Sept. 17, 2001, see section 207(c) of Pub. L. 107-103, set out as an Effective Date note under section 1513 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-211 effective July 1, 1960, see section 10 of Pub. L. 86-211, set out as an Effective Date note under section 1521 of this title.

§ 1523. Combination of ratings

(a) The Secretary shall provide that, for the purpose of determining whether or not a veteran is permanently and totally disabled, ratings for service-connected disabilities may be combined with ratings for non-service-connected disabilities.

(b) Where a veteran, by virtue of subsection (a), is found to be entitled to a pension under section 1521 of this title, and is entitled to compensation for a service-connected disability, the Secretary shall pay such veteran the greater benefit.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1136, §523; Pub. L. 94-169, title I, §106(19), Dec. 23, 1975, 89 Stat. 1018; renumbered §1523 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 523 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted "1521" for "521".

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1975—Subsec. (b). Pub. L. 94-169 substituted "such veteran" for "him".

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

§ 1524. Vocational training for certain pension recipients

(a)(1) In the case of a veteran under age 45 who is awarded a pension during the program period, the Secretary shall, based on information on file with the Department of Veterans Affairs, make a preliminary finding whether such veteran, with the assistance of a vocational training program under this section, has a good potential for achieving employment. If such potential is found to exist, the Secretary shall solicit from the veteran an application for vocational training under this section. If the veteran thereafter applies for such training, the Secretary shall provide the veteran with an evaluation, which may include a personal interview, to determine whether the achievement of a vocational goal is reasonably feasible.

(2) If a veteran who is 45 years of age or older and is awarded pension during the program period, or a veteran who was awarded pension before the beginning of the program period, applies for vocational training under this section and the Secretary makes a preliminary finding on the basis of information in the application that, with the assistance of a vocational training program under subsection (b) of this section, the veteran has a good potential for achieving employment, the Secretary shall provide the veteran with an evaluation in order to determine whether the achievement of a vocational goal by the veteran is reasonably feasible. Any such evaluation shall include a personal interview by a Department employee trained in vocational counseling.

(3) For the purposes of this section, the term "program period" means the period beginning on February 1, 1985, and ending on December 31, 1995.

(b)(1) If the Secretary, based upon an evaluation under subsection (a) of this section, determines that the achievement of a vocational goal by a veteran is reasonably feasible, the veteran shall be offered and may elect to pursue a vocational training program under this subsection. If the veteran elects to pursue such a program, the program shall be designed in consultation with the veteran in order to meet the veteran's individual needs and shall be set forth in an individualized written plan of vocational rehabilitation of the kind described in section 3107 of this title.

(2)(A) Subject to subparagraph (B) of this paragraph, a vocational training program under this subsection shall consist of vocationally oriented services and assistance of the kind provided under chapter 31 of this title and such

other services and assistance of the kind provided under that chapter as are necessary to enable the veteran to prepare for and participate in vocational training or employment.

(B) A vocational training program under this subsection—

(i) may not exceed 24 months unless, based on a determination by the Secretary that an extension is necessary in order for the veteran to achieve a vocational goal identified (before the end of the first 24 months of such program) in the written plan formulated for the veteran, the Secretary grants an extension for a period not to exceed 24 months;

(ii) may not include the provision of any loan or subsistence allowance or any automobile adaptive equipment of the kind provided under chapter 39 of this title; and

(iii) may include a program of education at an institution of higher learning (as defined in sections 3452(b) and 3452(f), respectively, of this title) only in a case in which the Secretary determines that the program involved is predominantly vocational in content.

(3) When a veteran completes a vocational training program under this subsection, the Secretary may provide the veteran with counseling of the kind described in section 3104(a)(2) of this title, placement and postplacement services of the kind described in section 3104(a)(5) of this title, and training of the kind described in section 3104(a)(6) of this title during a period not to exceed 18 months beginning on the date of such completion.

(4) A veteran may not begin pursuit of a vocational training program under this subsection after the later of (A) December 31, 1995, or (B) the end of a reasonable period of time, as determined by the Secretary, following either the evaluation of the veteran under subsection (a) of this section or the award of pension to the veteran as described in subsection (a)(2) of this section. Any determination by the Secretary of such a reasonable period of time shall be made pursuant to regulations which the Secretary shall prescribe.

(c) In the case of a veteran who has been determined to have a permanent and total non-service-connected disability and who, not later than one year after the date the veteran's eligibility for counseling under subsection (b)(3) of this section expires, secures employment within the scope of a vocational goal identified in the veteran's individualized written plan of vocational rehabilitation (or in a related field which requires reasonably developed skills and the use of some or all of the training or services furnished the veteran under such plan), the evaluation of the veteran as having a permanent and total disability may not be terminated by reason of the veteran's capacity to engage in such employment until the veteran first maintains such employment for a period of not less than 12 consecutive months.

(d) A veteran who pursues a vocational training program under subsection (b) of this section shall have the benefit of the provisions of subsection (a) of section 1525 of this title beginning at such time as the veteran's entitlement to pension is terminated by reason of income from work or training (as defined in subsection (b)(1)

of that section) without regard to the date on which the veteran's entitlement to pension is terminated.

(e) Payments by the Secretary for education, training, and other services and assistance under subsection (b) of this section (other than the services of Department employees) shall be made from the Department appropriations account from which payments for pension are made.

(Added Pub. L. 98-543, title III, §301(a)(1), Oct. 24, 1984, 98 Stat. 2744, §524; amended Pub. L. 99-576, title VII, §703(b)(1), Oct. 28, 1986, 100 Stat. 3303; Pub. L. 100-227, title II, §202, Dec. 31, 1987, 101 Stat. 1555; Pub. L. 100-687, div. B, title XIII, §1303(a), (b), Nov. 18, 1988, 102 Stat. 4128; Pub. L. 101-237, title I, §114, Dec. 18, 1989, 103 Stat. 2065; renumbered §1524 and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-291, §2(b), May 20, 1992, 106 Stat. 178; Pub. L. 102-568, title IV, §402(a)-(c)(2)(A), Oct. 29, 1992, 106 Stat. 4337; Pub. L. 103-446, title XII, §1201(g)(2), Nov. 2, 1994, 108 Stat. 4687.)

AMENDMENTS

1994—Subsec. (a)(2). Pub. L. 103-446 substituted “If” for “Subject to paragraph (3) of this subsection, if”.

1992—Pub. L. 102-568, §402(c)(2)(A), substituted “Vocational training for certain pension recipients” for “Temporary program of vocational training for certain new pension recipients” as section catchline.

Subsec. (a)(1). Pub. L. 102-568, §402(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “Subject to paragraph (3) of this subsection, in the case of a veteran under the age of 45 who is awarded pension during the program period, the Secretary shall determine whether the achievement of a vocational goal by the veteran is reasonably feasible. Any such determination shall be made only after evaluation of the veteran's potential for rehabilitation, and any such evaluation shall include a personal interview of the veteran by a Department employee who is trained in vocational counseling. If the veteran fails, for reasons other than those beyond the veteran's control, to participate in the evaluation in the manner required by the Secretary in order to make such determination, the Secretary shall suspend the veteran's pension for the duration of such failure.”

Subsec. (a)(3). Pub. L. 102-568, §402(b), redesignated par. (4) as (3), substituted “December 31, 1995” for “December 31, 1992”, and struck out former par. (3) which read as follows: “Not more than 3,500 veterans may be given evaluations under this subsection during any 12-month period beginning on February 1 of a year.”

Subsec. (a)(4). Pub. L. 102-568, §402(b)(2), redesignated par. (4) as (3).

Pub. L. 102-291 substituted “December 31, 1992” for “January 31, 1992”.

Subsec. (b)(4). Pub. L. 102-568, §402(c)(1), substituted “December 31, 1995” for “January 31, 1992”.

1991—Pub. L. 102-83, §5(a), renumbered section 524 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing in pars. (1) and (2).

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans' Administration” in pars. (1) and (2).

Subsec. (b)(1). Pub. L. 102-83, §5(c)(1), substituted “3107” for “1507”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Subsec. (b)(2)(B)(i). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Subsec. (b)(2)(B)(iii). Pub. L. 102-83, §5(c)(1), substituted “3452(b) and 3452(f)” for “1652(b) and 1652(f)”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Subsec. (b)(3). Pub. L. 102-83, §5(c)(1), substituted “3104(a)(2)” for “1504(a)(2)”, “3104(a)(5)” for “1504(a)(5)”, and “3104(a)(6)” for “1504(a)(6)”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Subsec. (b)(4). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (d). Pub. L. 102-83, §5(c)(1), substituted “1525” for “525”.

Subsec. (e). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans' Administration” in two places.

1989—Subsec. (a)(1), (2). Pub. L. 101-237, §114(a), substituted “45” for “50”.

Subsecs. (c) to (e). Pub. L. 101-237, §114(b), added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

1988—Subsec. (a)(2). Pub. L. 100-687, §1303(a), substituted “is awarded pension during the program period, or a veteran who was awarded pension before the beginning of the program period,” for “who is awarded pension during the program period”.

Subsecs. (a)(4), (b)(4)(A). Pub. L. 100-687, §1303(b), substituted “1992” for “1989”.

1987—Subsec. (a)(3). Pub. L. 100-227 substituted “3,500” for “2,500”.

1986—Subsec. (a)(2). Pub. L. 99-576, §703(b)(1)(A), substituted “subsection (b) of this section” for “subsection (d) of this section”.

Subsec. (b)(4). Pub. L. 99-576, §703(b)(1)(B), substituted “subsection (a) of this section” for “subsection (a)(1) of this section”.

Subsec. (c). Pub. L. 99-576, §703(b)(1)(C), substituted “A veteran” for “Notwithstanding subsection (c) of section 525 of this title, a veteran” and “defined in subsection (b)(1) of that section” for “defined in subsection (b) of that section”, and inserted “without regard to the date on which the veteran's entitlement to pension is terminated.”

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-291 effective Jan. 31, 1992, see section 2(d) of Pub. L. 102-291, set out as a note under section 1163 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-576 effective as if included in Pub. L. 98-543, see section 703(c) of Pub. L. 99-576, set out as a note under section 1313 of this title.

RATIFICATION OF ACTIONS OF SECRETARY OF VETERANS AFFAIRS DURING LAPSED PERIOD

Provision of a vocational training program to a veteran under this section and the making of related determinations under this section ratified with respect to period beginning Feb. 1, 1992, and ending May 20, 1992, see section 2(e) of Pub. L. 102-291, set out as a note under section 1163 of this title.

REPORT TO CONGRESSIONAL COMMITTEES; NEW PENSION RECIPIENTS; HEALTH-CARE ELIGIBILITY

Section 301(b) of Pub. L. 98-543 directed Administrator of Veterans' Affairs to submit to Committees on Veterans' Affairs of Senate and House of Representatives not later than Apr. 15, 1988, a report on results of implementation of this section and section 525 [now 1525] of this title during period beginning on Feb. 1, 1985, and ending on Jan. 31, 1988.

§ 1525. Protection of health-care eligibility

(a) In the case of a veteran whose entitlement to pension is terminated after January 31, 1985, by reason of income from work or training, the veteran shall retain for a period of three years

beginning on the date of such termination all eligibility for care and services under such chapter that the veteran would have had if the veteran's entitlement to pension had not been terminated. Care and services for which such a veteran retains eligibility include, when applicable, drugs and medicines under section 1712(d) of this title.

(b) For purposes of this section, the term "terminated by reason of income from work or training" means terminated as a result of the veteran's receipt of earnings from activity performed for remuneration or with gain, but only if the veteran's annual income from sources other than such earnings would, taken alone, not result in the termination of the veteran's pension.

(Added Pub. L. 98-543, title III, §301(a)(1), Oct. 24, 1984, 98 Stat. 2746, §525; amended Pub. L. 99-272, title XIX, §1901(d)(1), Apr. 7, 1986, 100 Stat. 378; Pub. L. 99-576, title VII, §703(b)(2), Oct. 28, 1986, 100 Stat. 3303; Pub. L. 100-687, div. B, title XIII, §1303(c), Nov. 18, 1988, 102 Stat. 4128; renumbered §1525 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-291, §2(c), May 20, 1992, 106 Stat. 178; Pub. L. 102-568, title IV, §403(a), (b)(1), Oct. 29, 1992, 106 Stat. 4337; Pub. L. 104-262, title I, §101(e)(1), Oct. 9, 1996, 110 Stat. 3180.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-262, §101(e)(1)(A), substituted "section 1712(d) of this title" for "section 1712(h) of this title and special priority with respect to such care and services under clauses (5) and (6) of section 1712(i)".

Subsec. (b). Pub. L. 104-262, §101(e)(1)(B), substituted "remuneration" for "renumeration".

1992—Pub. L. 102-568, §403(b)(1), substituted "Protection" for "Temporary protection" in section catchline.

Subsec. (a). Pub. L. 102-568, §403(a)(1), substituted "after January 31, 1985," for "during the program period".

Subsec. (b). Pub. L. 102-568, §403(a)(2), added subsec. (b) and struck out former subsec. (b) which read as follows: "For the purposes of this section:

"(1) The term 'terminated by reason of income from work or training' means terminated as a result of the veteran's receipt of earnings from activity performed for remuneration or gain, but only if the veteran's annual income from sources other than such earnings would, taken alone, not result in the termination of the veteran's pension.

"(2) The term 'program period' means the period beginning on February 1, 1985, and ending on December 31, 1992."

Pub. L. 102-291 substituted "December 31, 1992" for "January 31, 1992" in par. (2).

1991—Pub. L. 102-83, §5(a), renumbered section 525 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted "1712(h)" for "612(h)" and "1712(i)" for "612(i)".

1988—Subsec. (b)(2). Pub. L. 100-687 substituted "1992" for "1989".

1986—Subsec. (a). Pub. L. 99-576 struck out "under section 521 of this title" after "entitlement to pension".

Pub. L. 99-272 substituted "clauses (5) and (6) of section 612(i)" for "section 612(i)(5) of this title".

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-291 effective Jan. 31, 1992, see section 2(d) of Pub. L. 102-291, set out as a note under section 1163 of this title.

EFFECTIVE DATE OF 1986 AMENDMENTS

Amendment by Pub. L. 99-576 effective as if included in Pub. L. 98-543, see section 703(c) of Pub. L. 99-576, set out as a note under section 1313 of this title.

Amendment by Pub. L. 99-272 applicable to hospital care, nursing home care, and medical services furnished on or after July 1, 1986, see section 1901(f) of Pub. L. 99-272, set out as a note under section 1710 of this title.

RATIFICATION OF ACTIONS OF SECRETARY OF VETERANS AFFAIRS DURING LAPSED PERIOD

Provision of health care and services to a veteran pursuant to this section ratified with respect to period beginning Feb. 1, 1992, and ending May 20, 1992, see section 2(e) of Pub. L. 102-291, set out as a note under section 1163 of this title.

SUBCHAPTER III—PENSIONS TO SURVIVING SPOUSES AND CHILDREN

AMENDMENTS

1975—Pub. L. 94-169, title I, §101(2)(G), Dec. 23, 1975, 89 Stat. 1014, substituted "SURVIVING SPOUSES" for "WIDOWS" in subchapter heading.

WARS BEFORE WORLD WAR I

[§ 1531. Vacant]

CODIFICATION

Prior to renumbering of sections 501 to 543 of this chapter as sections 1501 to 1543 by Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406, section 531 of this chapter, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1137; Pub. L. 90-77, title I, §105, Aug. 31, 1967, 81 Stat. 179, which provided for a monthly pension to widows of Mexican War veterans, was repealed by Pub. L. 94-169, title I, §101(2)(F), Dec. 23, 1975, 89 Stat. 1014, effective Jan. 1, 1976.

§ 1532. Surviving spouses of Civil War veterans

(a) The Secretary shall pay to the surviving spouse of each Civil War veteran who met the service requirements of this section a pension at the following monthly rate:

- (1) \$40.64 if such surviving spouse is below seventy years of age; or
- (2) \$70 if such surviving spouse is seventy years of age or older.

(b) If there is a child of the veteran, the rate of pension paid to the surviving spouse under subsection (a) shall be increased by \$8.13 per month for each such child.

(c) A veteran met the service requirements of this section if such veteran served for ninety days or more in the active military or naval service during the Civil War, as heretofore defined under public laws administered by the Veterans' Administration, or if such veteran was discharged or released from such service upon a surgeon's certificate of disability.

(d) No pension shall be paid to a surviving spouse of a veteran under this section unless such surviving spouse was married to such veteran—

- (1) before June 27, 1905; or
- (2) for one year or more; or
- (3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1137, §532; Pub. L. 90-77, title I, §§101(a), 105, Aug. 31, 1967, 81 Stat. 178, 179; Pub. L. 94-169, title I, §106(20)-(23), Dec. 23, 1975, 89 Stat. 1018; Pub. L.

102-54, §14(b)(7), June 13, 1991, 105 Stat. 283; renumbered §1532 and amended Pub. L. 102-83, §§4(a)(1), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 403-406; Pub. L. 103-446, title XII, §1201(a)(2), Nov. 2, 1994, 108 Stat. 4682.)

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-446 substituted “Veterans’ Administration” for “Secretary”.

1991—Pub. L. 102-83, §5(a), renumbered section 532 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in introductory provisions.

Pub. L. 102-54 substituted a period for semicolon at end of par. (2) and struck out at end “unless such surviving spouse was the spouse of the veteran during such veteran’s service in the Civil War, in which case the monthly rate shall be \$75.”

Subsec. (c). Pub. L. 102-83, §4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans’ Administration”.

1975—Pub. L. 94-169, §106(23), substituted “Surviving spouses” for “Widows” in section catchline.

Subsec. (a). Pub. L. 94-169, §106(20), substituted “pay to the surviving spouse” for “pay to the widow”, “such surviving spouse” for “she” wherever appearing, “was the spouse” for “was the wife” and “such veteran’s” for “his”.

Subsec. (b). Pub. L. 94-169, §106(21), substituted “surviving spouse” for “widow”.

Subsec. (c). Pub. L. 94-169, §106(21), substituted “such veteran” for “he” wherever appearing.

Subsec. (d). Pub. L. 94-169, §106(22), substituted “surviving spouse”, “such surviving spouse” and “such veteran” for “widow”, “she” and “him”, respectively.

1967—Subsec. (a)(2). Pub. L. 90-77, §105, substituted “\$70” for “\$65”.

Subsec. (c). Pub. L. 90-77, §101(a), qualified widow of a veteran for a pension by reducing in par. (2) the requisite marriage period from five years to one year and by making her eligible for benefits in par. (3) in event of antenuptial birth.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

§ 1533. Children of Civil War veterans

Whenever there is no surviving spouse entitled to pension under section 1532 of this title, the Secretary shall pay to the children of each Civil War veteran who met the service requirements of section 1532 of this title a pension at the monthly rate of \$73.13 for one child, plus \$8.13 for each additional child, with the total amount equally divided.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1137, §533; Pub. L. 94-169, title I, §106(25), Dec. 23, 1975, 89 Stat. 1018; renumbered §1533 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 533 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted “1532” for “532” in two places.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1975—Pub. L. 94-169 substituted “surviving spouse” for “widow”.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

§ 1534. Surviving spouses of Indian War veterans

(a) The Secretary shall pay to the surviving spouse of each Indian War veteran who met the service requirements of section 1511 of this title a pension at the following monthly rate:

(1) \$40.64 if such surviving spouse is below seventy years of age; or

(2) \$70 if such surviving spouse is seventy years of age or older.

(b) If there is a child of the veteran, the rate of pension paid to the surviving spouse under subsection (a) shall be increased by \$8.13 per month for each such child.

(c) No pension shall be paid to a surviving spouse of a veteran under this section unless such surviving spouse was married to such veteran—

(1) before March 4, 1917; or

(2) for one year or more; or

(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1137, §534; Pub. L. 90-77, title I, §§101(a), 105, Aug. 31, 1967, 81 Stat. 178, 179; Pub. L. 94-169, title I, §106(26)-(29), Dec. 23, 1975, 89 Stat. 1018; Pub. L. 102-54, §14(b)(7), June 13, 1991, 105 Stat. 283; renumbered §1534 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 534 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “1511” for “511” in introductory provisions.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in introductory provisions.

Pub. L. 102-54 substituted a period for semicolon at end of par. (2) and struck out at end “; unless such surviving spouse was the spouse of the veteran during such veteran’s service in one of the Indian Wars, in which case the monthly rate shall be \$75.”

1975—Pub. L. 94-169, §106(29), substituted “Surviving spouses” for “Widows” in section catchline.

Subsec. (a). Pub. L. 94-169, §106(26), substituted “pay to a surviving spouse” for “paid to a widow”, “unless such surviving spouse” for “she” wherever appearing, “was the spouse” for “was the wife” and “such veteran’s” for “his”.

Subsec. (b). Pub. L. 94-169, §106(27), substituted “surviving spouse” for “widow”.

Subsec. (c). Pub. L. 94-169, §106(28), substituted “paid to a surviving spouse” for “paid to a widow”, “unless such surviving spouse” for “unless she” and “such veteran” for “him”.

1967—Subsec. (a)(2). Pub. L. 90-77, §105, substituted “\$70” for “\$65”.

Subsec. (c). Pub. L. 90-77, §101(a), qualified widow of a veteran for a pension by reducing in par. (2) the requisite marriage period from five years to one year and by making her eligible for benefits in par. (3) in event of antenuptial birth.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

§ 1535. Children of Indian War veterans

Whenever there is no surviving spouse entitled to pension under section 1534 of this title, the Secretary shall pay to the children of each Indian War veteran who met the service requirements of section 1511 of this title a pension at the monthly rate of \$73.13 for one child, plus \$8.13 for each additional child, with the total amount equally divided.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1137, §535; Pub. L. 94-169, title I, §106(31), Dec. 23, 1975, 89 Stat. 1018; renumbered §1535 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 535 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted “1534” for “534” and “1511” for “511”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1975—Pub. L. 94-169 substituted “surviving spouse” for “widow”.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

§ 1536. Surviving spouses of Spanish-American War veterans

(a) The Secretary shall pay to the surviving spouse of each Spanish-American War veteran who met the service requirements of section 1512(a) of this title a pension at the monthly rate of \$70, unless such surviving spouse was the spouse of the veteran during such veteran's service in the Spanish-American War, in which case the monthly rate shall be \$75.

(b) If there is a child of the veteran, the rate of pension paid to the surviving spouse under subsection (a) shall be increased by \$8.13 per month for each such child.

(c) No pension shall be paid to a surviving spouse of a veteran under this section unless such surviving spouse was married to such veteran—

(1) before January 1, 1938; or

(2) for one year or more; or

(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(d)(1) Any surviving spouse eligible for pension under this section shall, if such surviving spouse so elects, be paid pension at the rates prescribed by section 1541 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to surviving spouses of veterans of a period of war. If pension is paid pursuant to such an election, the election shall be irrevocable.

(2) The Secretary shall pay each month to the surviving spouse of each Spanish-American War veteran who is receiving, or entitled to receive, pension based on a need of regular aid and at-

tendance, whichever amount is greater (A) that which is payable to such surviving spouse under subsections (a) and (b) of this section as increased by section 544¹ of this title, as in effect on December 31, 1978; or (B) that which is payable under section 1541 of this title, as in effect on December 31, 1978, as increased by such section 544,¹ as in effect on such date, to a surviving spouse of a World War I veteran with the same annual income and corpus of estate. Each change in the amount of pension required by this paragraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1138, §536; Pub. L. 90-77, title I, §§101(a), 105, Aug. 31, 1967, 81 Stat. 178, 179; Pub. L. 92-328, title I, §107, June 30, 1972, 86 Stat. 395; Pub. L. 94-169, title I, §106(32)-(37), Dec. 23, 1975, 89 Stat. 1018, 1019; Pub. L. 95-588, title I, §108, Nov. 4, 1978, 92 Stat. 2502; renumbered §1536 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

REFERENCES IN TEXT

Section 544 of this title, referred to in subsec. (d)(2), was repealed by Pub. L. 95-588, title I, §112(a)(1), Nov. 4, 1978, 92 Stat. 2505, eff. Jan. 1, 1979.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 536 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “1512(a)” for “512(a)”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Subsec. (d). Pub. L. 102-83, §5(c)(1), substituted “1541” for “541” in pars. (1) and (2).

Subsec. (d)(2). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1978—Subsec. (d)(1). Pub. L. 95-588, §108(1), substituted “a period of war” for “World War I”, and struck out “, except as provided in paragraph (2)” after “irrevocable”.

Subsec. (d)(2). Pub. L. 95-588, §108(2), inserted “, as in effect on December 31, 1978” after “of this title” in two places, and “as in effect on such date” after “such section 544”.

1975—Pub. L. 94-169, §106(37), substituted “Surviving spouses” for “Widows” in section catchline.

Subsec. (a). Pub. L. 94-169, §106(32), substituted “pay to the surviving spouse” for “pay to the widow”, “unless such surviving spouse” for “unless she”, “the spouse” for “the wife” and “such veteran's” for “his”.

Subsec. (b). Pub. L. 94-169, §106(33), substituted “surviving spouse” for “widow”.

Subsec. (c). Pub. L. 94-169, §106(33), substituted “paid to a surviving spouse” for “paid to a widow”, “unless such surviving spouse” for “unless she” and “such veteran” for “him”.

Subsec. (d)(1). Pub. L. 94-169, §106(34), substituted “Any surviving spouse” for “Any widow”, “if such surviving spouse” for “if she” and “surviving spouses” for “widows”.

Subsec. (d)(2). Pub. L. 94-169, §106(35), (36), substituted “surviving spouse” for “widow” wherever appearing, and “such surviving spouse” for “her”.

1972—Subsec. (d). Pub. L. 92-328 added subsec. (d).

1967—Subsec. (a). Pub. L. 90-77, §105, substituted “\$70” for “\$65”.

Subsec. (c). Pub. L. 90-77, §101(a), qualified widow of a veteran for a pension by reducing in par. (2) the req-

¹ See References in Text note below.

uisite marriage period from five years to one year and by making her eligible for benefits in par. (3) in event of antenuptial birth.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-328 effective first day of second calendar month which begins after June 30, 1972, see section 301(a) of Pub. L. 92-328, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

INCREASE IN AID AND ATTENDANCE RATES FOR VETERANS ELIGIBLE FOR PENSION

Maximum annual pension rates under subsec. (d)(2) of this section increased by \$600, effective Oct. 1, 1998, see section 8206 of Pub. L. 105-178, set out as a note under section 1521 of this title.

§ 1537. Children of Spanish-American War veterans

Whenever there is no surviving spouse entitled to pension under section 1536 of this title, the Secretary shall pay to the children of each Spanish-American War veteran who met the service requirements of section 1512(a) of this title a pension at the monthly rate of \$73.13 for one child, plus \$8.13 for each additional child, with the total amount equally divided.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1138, § 537; Pub. L. 94-169, title I, § 106(39), Dec. 23, 1975, 89 Stat. 1019; renumbered § 1537 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 537 of this title as this section.

Pub. L. 102-83, § 5(c)(1), substituted “1536” for “536” and “1512(a)” for “512(a)”.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1975—Pub. L. 94-169 substituted “surviving spouse” for “widow”.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

OTHER PERIODS OF WAR

AMENDMENTS

1991—Pub. L. 102-25, title III, § 333(c)(1), Apr. 6, 1991, 105 Stat. 88, substituted “OTHER PERIODS OF WAR” for “MEXICAN BORDER PERIOD, WORLD WAR I, WORLD WAR II, THE KOREAN CONFLICT, AND THE VIETNAM ERA” as subheading.

1970—Pub. L. 91-588, § 9(d)(3), Dec. 24, 1970, 84 Stat. 1585, inserted reference to Mexican border period in subheading.

1967—Pub. L. 90-77, title III, § 202(j), Aug. 31, 1967, 81 Stat. 183, inserted reference to Vietnam era in subheading.

§ 1541. Surviving spouses of veterans of a period of war

(a) The Secretary shall pay to the surviving spouse of each veteran of a period of war who met the service requirements prescribed in section 1521(j) of this title, or who at the time of death was receiving (or entitled to receive) compensation or retirement pay for a service-connected disability, pension at the rate prescribed by this section, as increased from time to time under section 5312 of this title.

(b) If no child of the veteran is in the custody of the surviving spouse, pension shall be paid to the surviving spouse at the annual rate of \$7,933, reduced by the amount of the surviving spouse's annual income.

(c) If there is a child of the veteran in the custody of the surviving spouse, pension shall be paid to the surviving spouse at the annual rate of \$10,385. If the surviving spouse has custody of two or more such children, the annual pension rate shall be increased by \$2,020 for each such child in excess of one. In each case, the rate payable shall be reduced by the amount of the surviving spouse's annual income and, subject to subsection (g) of this section, the annual income of each such child.

(d)(1) If a surviving spouse who is entitled to pension under subsection (b) of this section is in need of regular aid and attendance, the annual rate of pension payable to such surviving spouse shall be \$12,681, reduced by the amount of the surviving spouse's annual income.

(2) If a surviving spouse who is entitled to pension under subsection (c) of this section is in need of regular aid and attendance, the annual rate of pension payable to the surviving spouse shall be \$15,128. If there are two or more children of the veteran in such surviving spouse's custody, the annual rate of pension shall be increased by \$2,020 for each such child in excess of one. The rate payable shall be reduced by the amount of the surviving spouse's annual income and, subject to subsection (g) of this section, the annual income of each such child.

(e)(1) If the surviving spouse is permanently housebound but does not qualify for pension at the aid and attendance rate provided by subsection (d) of this section, the annual rate of pension payable to such surviving spouse under subsection (b) of this section shall be \$9,696 and the annual rate of pension payable to such surviving spouse under subsection (c) of this section shall be \$12,144. If there are two or more children of the veteran in such surviving spouse's custody, the annual rate of pension shall be increased by \$2,020 for each such child in excess of one. The rate payable shall be reduced by the amount of the surviving spouse's annual income and, subject to subsection (g) of this section, the income of any child of the veteran for whom the surviving spouse is receiving increased pension.

(2) For purposes of paragraph (1) of this subsection, the requirement of “permanently housebound” shall be met when the surviving spouse is substantially confined to such surviving spouse's house (ward or clinical areas, if institutionalized) or immediate premises by reason of a disability or disabilities reasonably cer-

tain to remain throughout such surviving spouse's lifetime.

(f) No pension shall be paid under this section to a surviving spouse of a veteran unless the spouse was married to the veteran—

(1) before (A) December 14, 1944, in the case of a surviving spouse of a Mexican border period or World War I veteran, (B) January 1, 1957, in the case of a surviving spouse of a World War II veteran, (C) February 1, 1965, in the case of a surviving spouse of a Korean conflict veteran, (D) May 8, 1985, in the case of a surviving spouse of a Vietnam era veteran, or (E) January 1, 2001, in the case of a surviving spouse of a veteran of the Persian Gulf War;

(2) for one year or more; or

(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(g) In determining the annual income of a surviving spouse for the purposes of this section, if there is a child of the veteran in the custody of the surviving spouse, that portion of the annual income of the child that is reasonably available to or for the surviving spouse shall be considered to be income of the surviving spouse, unless in the judgment of the Secretary to do so would work a hardship on the surviving spouse.

(h) As used in this section and section 1542 of this title, the term "veteran" includes a person who has completed at least two years of honorable active military, naval, or air service, as certified by the Secretary concerned, but whose death in such service was not in line of duty.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1138, §541; Pub. L. 86-211, §4, Aug. 29, 1959, 73 Stat. 434; Pub. L. 88-664, §3(c), (d), Oct. 13, 1964, 78 Stat. 1095; Pub. L. 90-77, title I, §§101(a), 106, title II, §202(d)-(f), Aug. 31, 1967, 81 Stat. 178, 179, 182; Pub. L. 90-275, §1(c), (d), Mar. 28, 1968, 82 Stat. 65, 66; Pub. L. 91-588, §§1(c), (d), 9(d), Dec. 24, 1970, 84 Stat. 1581, 1584; Pub. L. 92-198, §1(c)-(e), Dec. 15, 1971, 85 Stat. 663, 664; Pub. L. 93-177, §1(c), (d), 2, Dec. 6, 1973, 87 Stat. 695; Pub. L. 93-527, §3, Dec. 21, 1974, 88 Stat. 1703; Pub. L. 94-169, title I, §§101(2)(B), (C), (H), 103, 106(40), Dec. 23, 1975, 89 Stat. 1013, 1014, 1016, 1019; Pub. L. 94-432, title II, §203, Sept. 30, 1976, 90 Stat. 1370; Pub. L. 95-204, title I, §102, Dec. 2, 1977, 91 Stat. 1456; Pub. L. 95-588, title I, §109(a), Nov. 4, 1978, 92 Stat. 2503; Pub. L. 102-25, title III, §333(b), Apr. 6, 1991, 105 Stat. 88; Pub. L. 102-40, title IV, §402(d)(1), May 7, 1991, 105 Stat. 239; renumbered §1541 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 111-275, title VI, §608(b), Oct. 13, 2010, 124 Stat. 2887.)

AMENDMENTS

2010—Subsec. (b). Pub. L. 111-275, §608(b)(1), substituted "\$7,933" for "\$2,379".

Subsec. (c). Pub. L. 111-275, §608(b)(2), substituted "\$10,385" for "\$3,116" and "\$2,020" for "\$600".

Subsec. (d)(1). Pub. L. 111-275, §608(b)(3)(A), substituted "\$12,681" for "\$3,806".

Subsec. (d)(2). Pub. L. 111-275, §608(b)(3)(B), substituted "\$15,128" for "\$4,543" and "\$2,020" for "\$600".

Subsec. (e)(1). Pub. L. 111-275, §608(b)(4), substituted "\$9,696" for "\$2,908", "\$12,144" for "\$3,645", and "\$2,020" for "\$600".

1991—Pub. L. 102-83, §5(a), renumbered section 541 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted "1521(j)" for "521(j)".

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Pub. L. 102-40 substituted "5312" for "3112".

Subsec. (f)(1)(E). Pub. L. 102-25 added cl. (E).

Subsec. (g). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (h). Pub. L. 102-83, §5(c)(1), substituted "1542" for "542".

1978—Subsec. (a). Pub. L. 95-588 revised eligibility provisions relating to surviving spouses to apply to veterans of any period of war rather than veterans of specifically named wars and inserted reference to periodic increases of rate of pension payments pursuant to section 3112 of this title.

Subsec. (b). Pub. L. 95-588 qualified parental requirement of this subsection by inserting custody provision, substituted a fixed pension amount of \$2,379 for a formula for determining such annual pension based upon annual income of the veteran, and struck out minimum and maximum monthly payment requirements.

Subsec. (c). Pub. L. 95-588 qualified parental requirement of this subsection by inserting custody provision, substituted a fixed pension amount of \$3,116 for a formula for determining such annual pension based upon annual income of the veteran, and inserted a provision authorizing an annual pension rate increase of \$600 for each family member of an eligible veteran in excess of one.

Subsec. (d). Pub. L. 95-588 substituted provisions prescribing a fixed amount of \$3,806, as reduced by an annual income deduction, as the annual rate of pension payable to a surviving spouse entitled to a pension under subsec. (b) of this section and in need of regular aid and attendance and a fixed amount of \$4,543, subject to a similar deduction for income of spouse and child, as the annual rate of pension payable to a surviving spouse entitled to a pension under subsec. (c) of this section and in need of such aid for provision prescribing the monthly rate of pension payable under subsec. (c) of this section where there is a surviving spouse and more than one child.

Subsec. (e). Pub. L. 95-588 substituted provisions relating to a surviving spouse who is permanently housebound for provisions specifying the eligibility requirements for such surviving spouses.

Subsec. (f). Pub. L. 95-588 substituted provisions specifying the eligibility requirements for surviving spouses for provision defining "veteran".

Subsecs. (g), (h). Pub. L. 95-588 added subsecs. (g) and (h).

1977—Subsec. (b)(1). Pub. L. 95-204, §102(1), increased monthly rate of pension from \$125 to \$133, inserted authorization for reductions by .07 for amounts more than 2,800 but not more than 3,770, and substituted "1,100" for "1,200" in two places, "1,800" for "2,300" in two places, and "2,800" for "3,540".

Subsec. (b)(3). Pub. L. 95-204, §102(2), substituted "\$3,770" for "\$3,540".

Subsec. (c)(1). Pub. L. 95-204, §102(3), increased monthly rate of pension from \$149 to \$159, and substituted "1,600" for "1,700" in two places, "2,400" for "2,500" in two places, "2,900" for "3,300" in two places, and "5,070" for "4,760".

Subsec. (c)(2). Pub. L. 95-204, §102(4), substituted "\$5,070" for "4,760".

Subsec. (d). Pub. L. 95-204, §102(5), substituted "\$26" for "\$24".

1976—Subsec. (b)(1). Pub. L. 94-432, §203(1), increased monthly rate of pension from \$117 to \$125 and substituted \$900 to \$1,200 for \$900 to \$1,500, \$1,200 to \$2,300 for \$1,500 to \$2,700 and \$2,300 to \$3,540 for \$2,700 to \$3,300.

Subsec. (b)(3). Pub. L. 94-432, §203(2), substituted "\$3,540" for "\$3,300".

Subsec. (c)(1). Pub. L. 94-432, §203(3), increased monthly rate of pension from \$139 to \$149 and substituted \$1,100 to \$1,700 for \$1,100 to \$1,800, \$1,700 to \$2,500 for \$1,800 to \$2,700, \$2,500 to \$3,300 for \$2,700 to \$3,500 and \$3,300 to \$4,760 for \$3,500 to \$4,500.

Subsec. (c)(2). Pub. L. 94-432, §203(4), substituted "\$4,760" for "\$4,500".

Subsec. (d). Pub. L. 94-432, §203(5), substituted "\$24" for "\$22".

1975—Pub. L. 94-169, §101(2)(H), substituted "Surviving Spouses" for "Widows" in section catchline.

Subsec. (a). Pub. L. 94-169, §101(2)(B), substituted "surviving spouse" for "widow" and struck out "his" before "death".

Subsec. (b). Pub. L. 94-169, §103(1), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, monthly rate of pension from \$108 to \$117, substituted \$900 to \$1500 for \$900 to \$2100, \$1500 to \$2700 for \$2100 to \$3000 the minimum and maximum income ranges for which the pension rates will be reduced by 4 and 5 cents per dollar, respectively, inserted income range of \$2700 to \$3300 for which the pension rate will be reduced by 6 cents, and increased from \$3000 to \$3300 the maximum income in excess of which no pension will be paid.

Subsec. (c). Pub. L. 94-169, §103(1), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, pension rate from \$128 to \$139, substituted \$1100 to \$1800 for \$1100 to \$2100, \$1800 to \$2700 for \$2100 to \$3000, \$2700 to \$3500 for \$3000 to \$4200 the minimum and maximum income ranges for which the pension rates will be reduced by 2, 3 and 4 cents per dollar, respectively, inserted income range of \$3500 to \$4500 for which the rate will be reduced by 5 cents, and increased the maximum income from \$4200 to \$4500 in excess of which no pension will be paid.

Subsec. (d). Pub. L. 94-169, §103(2), substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, "surviving spouse" for "widow" and "\$22" for "\$20".

Subsec. (e). Pub. L. 94-169, §101(2)(C), substituted "to a surviving spouse of a veteran under this section unless the spouse was married to the veteran" for "to a widow of a veteran under this section unless she was married to him", and "(D) May 8, 1985, in the case of a surviving spouse of a Vietnam era veteran" for "(D) before the expiration of ten years following termination of the Vietnam era in the case of a widow of a Vietnam era veteran".

Subsec. (e)(1). Pub. L. 94-169, §106(40), substituted "surviving spouse" for "widow" in subcls. (A), (B) and (C).

1974—Subsec. (b). Pub. L. 93-527, §3(1), substituted "\$108" for "\$96", "\$900" for "\$1400" wherever appearing, and "\$2100" for "\$2600", and inserted provisions for reduction by 5 cents for each dollar of annual income in excess of \$2100 up to and including \$3000, that in no event shall monthly rate of pension be less than \$5.00, and raising the maximum income from \$2600 to \$3000.

Subsec. (c). Pub. L. 93-527, §3(2), substituted "\$128" for "\$114", and "\$2100" for "\$2500" wherever appearing, "\$3000" for "\$3400" wherever appearing, and "\$4200" for "\$3800" wherever appearing.

Subsec. (d). Pub. L. 93-527, §3(3), substituted "\$20" for "\$18".

Subsec. (f). Pub. L. 93-527, §3(4), added subsec. (f). 1973—Subsec. (b). Pub. L. 93-177, §1(c), substituted "\$86" for "\$87" and "\$1,400" for "\$1,900".

Subsec. (c). Pub. L. 93-177, §1(d), substituted "\$700" for "\$600", "\$114" for "\$104", "\$1,100" for "\$1,400", "\$2,500" for "\$2,700", and "\$3,400" for "\$3,800" in existing provisions and inserted provision for a reduction of 4 cents in monthly rate for each \$1 of annual income in excess of \$3,400 up to and including \$3,800.

Subsec. (d). Pub. L. 93-177, §2, substituted "\$18" for "\$17".

1971—Subsec. (b). Pub. L. 92-198, §1(c), substituted formula for computing monthly pension rates of widow without child by providing for a maximum monthly pension for each group within designated income category and for computing each individual's monthly pension by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table setting out income and pension rates, and raised the maximum income from \$2,300 to \$2,600.

Subsec. (c). Pub. L. 92-198, §1(d), substituted formula for computing monthly pension rates of widow with one child by providing for a maximum monthly pension for each group with designated annual income category and for computing each individual's monthly benefit rate by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table setting out income and pension rates, and further providing that whenever the monthly rate payable is less than the amount payable to the child under section 542 of this title, the widow would be paid at the child's rate, and raised the maximum income from \$3,500 to \$3,800.

Subsec. (d). Pub. L. 92-198, §1(e), substituted "\$17" for "\$16".

1970—Pub. L. 91-588, §9(d)(3), inserted reference to Mexican border period in section catchline.

Subsec. (a). Pub. L. 91-588, §9(d)(1), inserted reference to Mexican border period.

Subsec. (b). Pub. L. 91-588, §1(c), provided new annual income limits to measure monthly pension rates of widow without child by inserting minimum income limits of \$2,000, \$2,100, and \$2,200 with maximum limits of \$2,100, \$2,200, and \$2,300 for monthly benefits of \$29, \$23, and \$17, respectively, and within existing annual income limits from a maximum of \$300 to a maximum of \$2,000, as well as the in-between limits set out in one-hundred dollar increments, the applicable monthly benefit for each limit was amended, respectively, by substituting in column II "\$81" for "\$74", "80" for "73", "79" for "72", "78" for "70", "76" for "67", "73" for "64", "70" for "61", "67" for "58", "64" for "55", "61" for "51", "58" for "48", "55" for "45", "51" for "41", "48" for "37", "45" for "33", "41" for "29", "37" for "23", and "33" for "17".

Subsec. (c). Pub. L. 91-588, §1(d), provided new annual income limits to measure monthly pension rates of widow with one child by inserting minimum income limits of \$3,200, \$3,300, and \$3,400 with maximum limits of \$3,300, \$3,400, and \$3,500 for monthly benefits of \$45, \$43, and \$41, respectively, and within existing annual income limits from a maximum of \$600 to a maximum of \$3,200, as well as the in-between limits set out in one-hundred dollar increments, the applicable monthly benefit for each limit was amended, respectively, by substituting in column II "\$99" for "\$90", "98" for "89", "97" for "88", "96" for "87", "95" for "86", "94" for "85", "92" for "83", "90" for "81", "88" for "79", "86" for "77", "84" for "75", "82" for "73", "80" for "71", "78" for "69", "76" for "67", "74" for "65", "72" for "63", "70" for "61", "68" for "59", "66" for "57", "64" for "55", "62" for "53", "59" for "51", "56" for "48", "53" for "45", "51" for "43", and "48" for "41".

Subsec. (e)(1). Pub. L. 91-588, §9(d)(2), inserted reference to Mexican border period.

1968—Subsec. (b). Pub. L. 90-275, §1(c), in providing new annual income limits to measure monthly pension rates of widow without child, substituted minimum income limit of \$300 for monthly benefit of \$74 for former \$600 limit for monthly benefit of \$70, maximum income limit of \$2,000 for monthly benefit of \$17 for former \$1,800 limit for monthly benefit of \$29, and sixteen other in-between limits in one hundred dollar increments from more than \$300 to less than \$1,900 for monthly benefits of \$73 to \$23 for former in-between limit of more than \$600 but less than \$1,200 for monthly benefit of \$51.

Subsec. (c). Pub. L. 90-275, §1(d), in providing new annual income limits to measure monthly pension rates of widow with one child, substituted minimum income limit of \$600 for monthly benefit of \$90 for former \$1,000 limit for monthly benefit of \$86, maximum income limit of \$3,200 for monthly benefit of \$41 for former \$3,000 limit for monthly benefit of \$45, and twenty-five other in-between limits in one hundred dollar increments from more than \$600 to less than \$3,100 for monthly benefits of \$89 to \$43 for former in-between limit of more than \$1,000 but less than \$2,000 for monthly benefit of \$67.

1967—Pub. L. 90-77, §202(f), inserted reference to Vietnam era in section catchline.

Subsec. (a). Pub. L. 90-77, §202(d), inserted reference to Vietnam era.

Subsec. (b). Pub. L. 90-77, §106(a), increased monthly pension rate in column II from \$64, \$48, and \$27 to \$70, \$51, and \$29, respectively.

Subsec. (c). Pub. L. 90-77, §106(b), increased monthly pension rate in column II from \$80, \$64, and \$43 to \$86, \$67, and \$45, respectively.

Subsec. (d). Pub. L. 90-77, §106(c), substituted “\$16” for “\$15”.

Subsec. (e)(1). Pub. L. 90-77, §202(e), added item (D).

Subsec. (e)(2), (3). Pub. L. 90-77, §101(a), qualified widow of a veteran for a pension by reducing in par. (2) the requisite marriage period from five years to one year and by making her eligible for benefits in par. (3) in event of antenuptial birth.

1964—Subsec. (b). Pub. L. 88-664, §3(c), increased monthly pension rate in column II from \$60, \$45, and \$25 to \$64, \$48, and \$27, respectively.

Subsec. (c). Pub. L. 88-664, §3(d), increased monthly pension rate in column II from \$75, \$60, and \$40 to \$80, \$64, and \$43, respectively.

1959—Pub. L. 86-211 included widows of World War II and Korean conflict veterans in section catchline.

Subsec. (a). Pub. L. 86-211 included widows of World War II and Korean conflict veterans, and struck out provisions which authorized payment of a monthly pension of \$50.40 to a widow with no child and \$63 to a widow with one child, with \$7.56 for each additional child. See subssecs. (b) to (d) of this section.

Subsecs. (b) to (e). Pub. L. 86-211 added subssecs. (b) to (d), redesignated former subsec. (b) as (e), and inserted provisions relating to the date by which a widow was required to be married to a veteran of World War II or the Korean conflict.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-275 applicable with respect to pensions paid on or after Dec. 1, 2009, see section 608(d) of Pub. L. 111-275, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-204 effective Jan. 1, 1978, see section 302 of Pub. L. 95-204, set out as a note under section 1122 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-432 effective Jan. 1, 1977, see section 405(b) of Pub. L. 94-432, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Sections 101 and 106 of Pub. L. 94-169 provided that the amendments made by those sections are effective Jan. 1, 1976.

Section 103 of Pub. L. 94-169, as amended by section 101 of Pub. L. 94-432, eff. Sept. 30, 1976, provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-527 effective Jan. 1, 1975, see section 10 of Pub. L. 93-527, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-177 effective Jan. 1, 1974, see section 8 of Pub. L. 93-177, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92-198 effective Jan. 1, 1972, see section 6 of Pub. L. 92-198, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91-588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment Pub. L. 90-275 effective Jan. 1, 1969, see section 6(a) of Pub. L. 90-275, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-664 effective Jan. 1, 1965, see section 11 of Pub. L. 88-664, set out as a note under section 1503 of this title.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-211 effective July 1, 1960, see section 10 of Pub. L. 86-211, set out as a note under section 1521 of this title.

PENSION, DEPENDENCY, AND INDEMNITY COMPENSATION; RELATION TO SOCIAL SECURITY AMENDMENTS OF 1967

Payments for balance of calendar year 1968 and calendar year 1969, calendar year 1970, and during each successive calendar year at prescribed monthly rates when payments would be less under this title as a result of increase in monthly insurance benefits provided by Social Security Amendments of 1967, see section 3 of Pub. L. 90-275, set out as a note under section 1521 of this title.

§ 1542. Children of veterans of a period of war

The Secretary shall pay to each child (1) who is the child of a deceased veteran of a period of war who met the service requirements prescribed in section 1521(j) of this title, or who at the time of death was receiving (or entitled to receive) compensation or retirement pay for a service-connected disability, and (2) who is not in the custody of a surviving spouse eligible for pension under section 1541 of this title, pension at the annual rate of \$2,020, as increased from time to time under section 5312 of this title and reduced by the amount of such child's annual income; or, if such child is residing with a person who is legally responsible for such child's support, at an annual rate equal to the amount by which the appropriate annual rate provided under section 1541(c) of this title exceeds the sum of the annual income of such child and such person, but in no event may such annual rate of pension exceed the amount by which \$2,020, as increased from time to time under section 5312 of this title, exceeds the annual income of such child. The appropriate annual rate under such section 1541(c) for the purposes of the preceding sentence shall be determined in accordance with regulations which the Secretary shall prescribe.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1138, §542; Pub. L. 86-211, §4, Aug. 29, 1959, 73 Stat. 435; Pub. L. 88-664, §4, Oct. 13, 1964, 78 Stat. 1095; Pub. L. 90-77, title I, §107, title II, §202(g), (h), Aug. 31, 1967, 81 Stat. 180, 182; Pub. L. 91-588, §§3(c), 9(e), Dec. 24, 1970, 84 Stat. 1583, 1585; Pub. L. 92-198, §1(f), Dec. 15, 1971, 85 Stat. 664; Pub. L. 93-177, §3, Dec. 6, 1973, 87 Stat. 695; Pub. L. 93-527, §4, Dec. 21, 1974, 88 Stat. 1703; Pub. L. 94-169, title I,

§§101(2)(D), 104, Dec. 23, 1975, 89 Stat. 1014, 1016; Pub. L. 94-432, title II, §204, Sept. 30, 1976, 90 Stat. 1371; Pub. L. 95-204, title I, §103, Dec. 2, 1977, 91 Stat. 1457; Pub. L. 95-588, title I, §110(a), Nov. 4, 1978, 92 Stat. 2504; Pub. L. 102-40, title IV, §402(d)(1), May 7, 1991, 105 Stat. 239; renumbered §1542 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 111-275, title VI, §608(c), Oct. 13, 2010, 124 Stat. 2887.)

AMENDMENTS

2010—Pub. L. 111-275 substituted “\$2,020” for “\$600” in two places.

1991—Pub. L. 102-83, §5(a), renumbered section 542 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted “1521(j)” for “521(j)”, “1541” for “541”, and “1541(c)” for “541(c)” in two places.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Pub. L. 102-40 substituted “5312” for “3112” in two places.

1978—Pub. L. 95-588 amended section generally to speak in terms of children of veterans of any period of war rather than children of veterans of specifically named conflicts, restructured section to eliminate subsection designations, struck out provision formerly comprising subsec. (b) of this section which related to payment of pensions to recipient children in equal shares, and inserted reference to periodic pension increases pursuant to section 3112 of this title.

1977—Subsec. (a). Pub. L. 95-204, §103(1), substituted “\$61” and “\$26” for “\$57” and “\$24”, respectively.

Subsec. (c). Pub. L. 95-204, §103(2), substituted “\$3,080” for “\$2,890”.

1976—Subsec. (a). Pub. L. 94-432, §204(1), substituted “\$57” and “\$24” for “\$53” and “\$22”, respectively.

Subsec. (c). Pub. L. 94-432, §204(2), substituted “\$2,890” for “\$2,700”.

1975—Subsec. (a). Pub. L. 94-169, §§101(2)(D), 104(1), substituted “surviving spouse” for “widow”, struck out “his” before “death,” and, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, substituted “\$53” for “\$49” and “\$22” for “\$20”.

Subsec. (c). Pub. L. 94-169, §104, substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, “\$2700” for “\$2400”.

1974—Subsec. (a). Pub. L. 93-527, §4(1), substituted “\$49” and “\$20” for “\$44” and “\$18” respectively.

Subsec. (c). Pub. L. 93-527, §4(2), substituted “\$2,400” for “\$2,000”.

1973—Subsec. (a). Pub. L. 93-177 substituted “\$44” for “\$42” and “\$18” for “\$17”.

1971—Subsec. (a). Pub. L. 92-198 substituted “\$42” and “\$17” for “\$40” and “\$16” respectively.

1970—Pub. L. 91-588, §9(e)(2), inserted reference to Mexican border period in section catchline.

Subsec. (a). Pub. L. 91-588, §9(e)(1), inserted reference to Mexican border period.

Subsec. (c). Pub. L. 91-588, §3(c), substituted “\$2,000” for “\$1,800”.

1967—Pub. L. 90-77, §202(h), inserted reference to Vietnam era in section catchline.

Subsec. (a). Pub. L. 90-77, §§107, 202(g), substituted “\$40” and “\$16” for “\$38” and “\$15” and included reference to Vietnam era, respectively.

1964—Subsec. (a). Pub. L. 88-664 increased monthly pension for one child from \$35 to \$38.

1959—Pub. L. 86-211 included children of World War II and Korean conflict veterans in section catchline.

Subsec. (a). Pub. L. 86-211 included children of World War II and Korean conflict veterans, and substituted provisions authorizing the payment of a monthly pension of \$35 for one child with \$15 for each additional child for provisions which authorized the payment of \$27.30 for one child, \$40.95 for two children, \$54.60 for three children and \$7.56 for each additional child.

Subsec. (c). Pub. L. 86-211 added subsec. (c).

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-275 applicable with respect to pensions paid on or after Dec. 1, 2009, see section 608(d) of Pub. L. 111-275, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-204 effective Jan. 1, 1978, see section 302 of Pub. L. 95-204, set out as a note under section 1122 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-432 effective Jan. 1, 1977, see section 405(b) of Pub. L. 94-432, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 101 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

Section 104 of Pub. L. 94-169, as amended by section 101 of Pub. L. 94-432, eff. Sept. 30, 1976, provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-527 effective Jan. 1, 1975, see section 10 of Pub. L. 93-527, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-177 effective Jan. 1, 1974, see section 8 of Pub. L. 93-177, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92-198 effective Jan. 1, 1972, see section 6 of Pub. L. 92-198, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91-588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-664 effective Jan. 1, 1965, see section 11 of Pub. L. 88-664, set out as a note under section 1503 of this title.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-211 effective July 1, 1960, see section 10 of Pub. L. 86-211, set out as a note under section 1521 of this title.

§ 1543. Net worth limitation

(a)(1) The Secretary shall deny or discontinue payment of pension to a surviving spouse under section 1541 of this title when the corpus of the estate of the surviving spouse is such that under all the circumstances, including consideration of the income of the surviving spouse and the income of any child from whom the surviving

spouse is receiving increased pension, it is reasonable that some part of the corpus of such estate be consumed for the surviving spouse's maintenance.

(2) The Secretary shall deny or discontinue the payment of increased pension under subsection (c), (d), or (e) of section 1541 of this title on account of a child when the corpus of such child's estate is such that under all the circumstances, including consideration of the income of the surviving spouse and such child and the income of any other child for whom the surviving spouse is receiving increased pension, it is reasonable that some part of the corpus of the child's estate be consumed for the child's maintenance. During the period such denial or discontinuance remains in effect, such child shall not be considered as the surviving spouse's child for purposes of this chapter.

(b) The Secretary shall deny or discontinue payment of pension to a child under section 1542 of this title when the corpus of the estate of the child is such that under all the circumstances, including consideration of the income of the child, the income of any person with whom such child is residing who is legally responsible for such child's support, and the corpus of the estate of such person, it is reasonable that some part of the corpus of such estates be consumed for the child's maintenance.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1138, § 543; Pub. L. 86-211, § 4, Aug. 29, 1959, 73 Stat. 435; Pub. L. 94-169, title I, § 101(2)(E), Dec. 23, 1975, 89 Stat. 1014; Pub. L. 95-588, title I, § 111, Nov. 4, 1978, 92 Stat. 2504; renumbered § 1543 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 543 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 5(c)(1), substituted "1541" for "541" in pars. (1) and (2).

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in pars. (1) and (2).

Subsec. (b). Pub. L. 102-83, § 5(c)(1), substituted "1542" for "542".

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1978—Pub. L. 95-588 designated existing provisions relating to denial or discontinuance of pension payments to surviving spouses as subsec. (a), expanded existing provisions relating to denial or discontinuance of pension payments to children of veterans, and designated such expanded provisions as subsecs. (a)(2) and (b).

1975—Pub. L. 94-169 substituted "surviving spouse" for "widow".

1959—Pub. L. 86-211 substituted provisions requiring the denial or discontinuance of payment of pension to a widow or child when the corpus of the estate of the survivor concerned is such that under all the circumstances, including consideration of income, it is reasonable that some part of the corpus be consumed for the survivor's maintenance for provisions which authorized the payment of a pension to widows of World War II or Korean conflict veterans. See section 1541 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 101 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-211 effective July 1, 1960, see section 10 of Pub. L. 86-211, set out as a note under section 1521 of this title.

[SURVIVING SPOUSES OF VETERANS OF ALL PERIODS OF WAR—REPEALED]

AMENDMENTS

1978—Pub. L. 95-588, title I, § 112(a)(2), Nov. 4, 1978, 92 Stat. 2505, struck out heading "SURVIVING SPOUSES OF VETERANS OF ALL PERIODS OF WAR" below section 543 [now 1543].

1975—Pub. L. 94-169, title I, § 101(2)(I), Dec. 23, 1975, 89 Stat. 1014, substituted "SURVIVING SPOUSES" for "WIDOWS" in heading below section 543.

[§ 1544. Vacant]

CODIFICATION

Prior to renumbering of sections 501 to 543 of this chapter as sections 1501 to 1543 by Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406, section 544 of this chapter, added Pub. L. 90-77, title I, § 108(a), Aug. 31, 1967, 81 Stat. 180; amended Pub. L. 91-588, § 3(a), Dec. 24, 1970, 84 Stat. 1583; Pub. L. 93-527, § 5, Dec. 21, 1974, 88 Stat. 1704; Pub. L. 94-169, title I, § 105, Dec. 23, 1975, 89 Stat. 1017; Pub. L. 94-432, title II, § 205, Sept. 30, 1976, 90 Stat. 1371; Pub. L. 95-204, title I, § 104, Dec. 2, 1977, 91 Stat. 1457, which authorized an increase by \$79 of the monthly rate of pension payable to the surviving spouse if the surviving spouse was entitled to pension under this subchapter and was in need of regular aid and attendance, was repealed by Pub. L. 95-588, title I, § 112(a)(1), title IV, § 401, Nov. 4, 1978, 92 Stat. 2505, 2511, effective Jan. 1, 1979.

SUBCHAPTER IV—ARMY, NAVY, AIR FORCE, AND COAST GUARD MEDAL OF HONOR ROLL

AMENDMENTS

1963—Pub. L. 88-77, § 5(3), July 25, 1963, 77 Stat. 96, substituted "ARMY, NAVY, AIR FORCE, AND COAST GUARD" for "ARMY, NAVY, AND AIR FORCE" in subchapter heading.

§ 1560. Medal of Honor Roll; persons eligible

(a) There shall be in the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Department of Homeland Security, respectively, a roll designated as the "Army, Navy, Air Force, and Coast Guard Medal of Honor Roll".

(b) Upon written application to the Secretary concerned, that Secretary shall enter and record on such roll the name of each surviving person who has served on active duty in the armed forces of the United States and who has been awarded a medal of honor for distinguishing such person conspicuously by gallantry and intrepidity at the risk of such person's life above and beyond the call of duty while so serving.

(c) Applications for entry on such roll shall be made in the form and under regulations prescribed by the Secretary concerned, and shall indicate whether or not the applicant desires to receive the special pension provided by section 1562 of this title. Proper blanks and instructions shall be furnished by the Secretary concerned, without charge upon the request of any person claiming the benefits of this subchapter.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1139, § 560; Pub. L. 87-138, § 1, Aug. 14, 1961, 75 Stat. 338; Pub.

L. 88-77, §5(1), July 25, 1963, 77 Stat. 95; Pub. L. 88-651, Oct. 13, 1964, 78 Stat. 1078; Pub. L. 89-311, §4, Oct. 31, 1965, 79 Stat. 1156; Pub. L. 91-24, §5, June 11, 1969, 83 Stat. 33; Pub. L. 94-169, title I, §106(41), Dec. 23, 1975, 89 Stat. 1019; renumbered §1560 and amended Pub. L. 102-83, §§4(b)(4)(A), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 405, 406; Pub. L. 107-296, title XVII, §1704(d), Nov. 25, 2002, 116 Stat. 2315.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

1991—Pub. L. 102-83, §5(a), renumbered section 560 of this title as this section.

Subsec. (b). Pub. L. 102-83, §4(b)(4)(A), substituted “that Secretary” for second reference to “the Secretary”.

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted “1562” for “562”.

1975—Subsec. (b). Pub. L. 94-169 substituted “such person” for “himself” and “such person’s” for “his”.

1969—Subsec. (a). Pub. L. 91-24 substituted “Department of Transportation” for “Department of the Treasury”.

1965—Subsec. (b). Pub. L. 89-311 struck out requirement that prospective enrollees have attained the age of forty before being eligible for entry on the roll.

1964—Subsec. (b). Pub. L. 88-651 substituted “forty years” for “fifty years” and “beyond the call of duty while so serving” for “beyond the call of duty—

“(1) while engaged in action against an enemy of the United States;

“(2) while engaged in military operations involving conflict with an opposing foreign force; or

“(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.”

1963—Subsec. (a). Pub. L. 88-77 inserted references to Department of the Treasury and to Coast Guard.

Subsec. (b). Pub. L. 88-77 enlarged the authority to enter and record names on the Medal of Honor Roll, which was limited to persons who served in the active military, naval or air service of the United States in any war, and who distinguished themselves by gallantry or intrepidity in action involving actual conflict with an enemy, to permit entering and recording names of persons who served on active duty in the Armed Forces of the United States distinguish themselves by gallantry and intrepidity while engaged in action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

1961—Subsec. (b). Pub. L. 87-138, §1(a), reduced the age requirement for entry on the Medal of Honor Roll from 65 to 50 years and struck out requirement that such person must have received an honorable discharge.

Subsec. (c). Pub. L. 87-138, §1(b), required applicants to indicate if they wished to receive the pension provided by section 562 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-311 effective first day of second calendar month following Oct. 31, 1965, see sec-

tion 9 of Pub. L. 89-311, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1961 AMENDMENT

Section 4 of Pub. L. 87-138 provided that: “The amendments made by this Act [amending this section and sections 561 and 562 [now 1561 and 1562] of this title] shall take effect on the first day of the first month which begins after the date of the enactment of this Act [Aug. 14, 1961], except that the amendments made by subsection (b) of the first section [amending subsec. (c) of this section] and by section 2 [amending section 561 [now 1561] of this title] shall not apply with respect to any application under section 560 [now 1560] of title 38, United States Code, made before such first day by any person who fulfilled the qualifications prescribed by subsection (b) of such section at the time such application was made.”

§ 1561. Certificate

(a) The Secretary concerned shall determine whether or not each applicant is entitled to have such person’s name entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll. If the official award of the Medal of Honor to the applicant, or the official notice to such person thereof, shows that the Medal of Honor was awarded to the applicant for an act described in section 1560 of this title, such award or notice shall be sufficient to entitle the applicant to have such person’s name entered on such roll without further investigation; otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence on file in any public office or department shall be considered.

(b) Each person whose name is entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll shall be furnished a certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the Medal of Honor was awarded, of enrollment on such roll, and, if such person has indicated such person’s desire to receive the special pension provided by section 1562 of this title, of such person’s right to such special pension.

(c) The Secretary concerned shall deliver to the Secretary a certified copy of each certificate issued under subsection (b) in which the right of the person named in the certificate to the special pension provided by section 1562 of this title is set forth. Such copy shall authorize the Secretary to pay such special pension to the person named in the certificate.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1139, §561; Pub. L. 87-138, §2(a), Aug. 14, 1961, 75 Stat. 338; Pub. L. 88-77, §5(2), July 25, 1963, 77 Stat. 95; Pub. L. 94-169, title I, §106(42), (43), Dec. 23, 1975, 89 Stat. 1019; renumbered §1561 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 561 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “1560” for “560”.

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted “1562” for “562”.

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted “1562” for “562”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” after “the” in two places.

1975—Subsec. (a). Pub. L. 94-169, §106(42), substituted “such person’s” for “his” wherever appearing, and “such person” for “him”.

Subsec. (b). Pub. L. 94-169, §106(42), substituted “such person” for “he” and “such person’s” for “his” wherever appearing.

Subsec. (c). Pub. L. 94-169, §106(43), struck out “by him” after “certificate issued”.

1963—Subsecs. (a), (b). Pub. L. 88-77 inserted references to the Coast Guard.

1961—Pub. L. 87-138 struck out “entitling holder to pension”, after “Certificate” in section catchline.

Subsec. (a). Pub. L. 87-138 substituted “have his name entered on the Army, Navy, and Air Force Medal of Honor Roll” for “the benefits of this subchapter”, and “have his name entered on such roll” for “special pension under this subchapter”.

Subsec. (b). Pub. L. 87-138 inserted provisions relating to the enrollee’s indication of desire to receive pension.

Subsec. (c). Pub. L. 87-138 required the copy to set forth the right of the person named in the certificate to the pension.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1961 AMENDMENT

Amendment by Pub. L. 87-138 effective Sept. 1, 1961, except that it shall not apply with respect to applications under section 1560 [formerly 560] of this title made prior to Sept. 1, 1961, by anyone who fulfilled the qualifications prescribed by subsec. (b) of such section 1560 [formerly 560] at the time such application was made, see section 4 of Pub. L. 87-138, set out as a note under section 1560 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1562. Special provisions relating to pension

(a) The Secretary shall pay monthly to each person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll, and a copy of whose certificate has been delivered to the Secretary under subsection (c) of section 1561 of this title, a special pension at the rate of \$1,000, as adjusted from time to time under subsection (e), beginning as of the date of application therefor under section 1560 of this title.

(b) The receipt of special pension shall not deprive any person of any other pension or other benefit, right, or privilege to which such person is or may hereafter be entitled under any existing or subsequent law. Special pension shall be paid in addition to all other payments under laws of the United States.

(c) Special pension shall not be subject to any attachment, execution, levy, tax lien, or detention under any process whatever.

(d) If any person has been awarded more than one medal of honor, such person shall not receive more than one special pension.

(e) Effective as of December 1 each year, the Secretary shall increase the amount of monthly special pension payable under subsection (a) as

of November 30 of such year by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1 of such year as a result of a determination under section 215(i) of that Act (42 U.S.C. 415(i)).

(f)(1) The Secretary shall pay, in a lump sum, to each person who is in receipt of special pension payable under this section an amount equal to the total amount of special pension that the person would have received during the period beginning on the first day of the first month beginning after the date of the act for which the person was awarded the Medal of Honor and ending on the last day of the month preceding the month in which the person’s special pension in fact commenced.

(2) For each month of a period referred to in paragraph (1), the amount of special pension payable to a person shall be determined using the rate of special pension that was in effect for such month, and shall be payable only if the person would have been entitled to payment of special pension for such month under laws for eligibility for special pension (with the exception of the eligibility law requiring a person to have been awarded a Medal of Honor) in effect at the beginning of such month.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1140, §562; Pub. L. 87-138, §3, Aug. 14, 1961, 75 Stat. 339; Pub. L. 88-77, §5(2), July 25, 1963, 77 Stat. 95; Pub. L. 94-169, title I, §106(44), (45), Dec. 23, 1975, 89 Stat. 1019; Pub. L. 95-479, title III, §302, Oct. 18, 1978, 92 Stat. 1565; renumbered §1562 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 103-161, §1(a), Nov. 30, 1993, 107 Stat. 1967; Pub. L. 105-368, title III, §301(a), Nov. 11, 1998, 112 Stat. 3332; Pub. L. 107-330, title III, §304(a)-(c), Dec. 6, 2002, 116 Stat. 2826.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (e), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Act is classified generally to subchapter II (§401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

PRIOR PROVISIONS

Prior sections 1601, 1602, 1621 to 1625, 1631 to 1634, 1641, and 1643, which comprised chapter 32, were renumbered sections 3201, 3202, 3221 to 3225, 3231 to 3234, 3241, and 3243 of this title, respectively. Prior section 1642, Pub. L. 94-502, title IV, §404, Oct. 15, 1976, 90 Stat. 2397; amended Pub. L. 97-295, §4(37), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 101-237, title IV, §423(b)(1)(A), (4)(A), Dec. 18, 1989, 103 Stat. 2092, directed Secretary of Veterans Affairs and Secretary of Defense to submit a joint report annually on operations of program provided under chapter 32 of this title, prior to repeal by Pub. L. 102-16, §5(a), Mar. 22, 1991, 105 Stat. 50.

Other prior sections 1601, 1610 to 1613, 1620 to 1626, 1631 to 1634, 1641 to 1645, 1651 to 1656, and 1661 to 1669, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1174-1192; Pub. L. 86-150, Aug. 11, 1964, 73 Stat. 332; Pub. L. 87-815, §1, Oct. 15, 1962, 76 Stat. 926; Pub. L. 88-361, §7, July 7, 1964, 78 Stat. 298, comprised chapter 33, Education of Korean Conflict Veterans, prior to repeal by Pub. L. 89-358, §4(a), Mar. 3, 1966, 80 Stat. 23.

Section 1601 defined “basic service period”, “eligible veteran”, “program of education or training”, “course”, “dependent”, “educational institutions”,

“training establishments”, “State”, and “Commissioner”, made benefits unavailable to individuals serving as commissioned officers of Coast and Geodetic Survey or of Regular or Reserve Corps of the Public Health Service unless the service qualified those individuals for benefits under title II of the Veteran's Readjustment Assistance Act of 1952, and declared Congressional policy. See sections 3451(3), (4) and 3452(a)(1), (3)(A), (B), (b) to (d) of this title.

Section 1610 provided for entitlement to education or training generally. See section 3461(a) of this title.

Section 1611 related to duration of veteran's education or training. See sections 3452(a)(3)(A), (B), 3461(a), (b)(1), (3), (4), (c), and 3482(c)(2) of this title.

Section 1612 related to commencement of education and time limitations. See section 3462 of this title.

Section 1613 provided for expiration of all education and training. See section 3462(a) of this title.

Section 1620 related to selections of program. See sections 3470 and 3476 of this title.

Section 1621 provided for applications and approval of applications. See section 3471 of this title.

Section 1622 related to change of program. See section 3691 of this title.

Section 1623 provided for disapproval of enrollment in certain courses. See section 3473(a) and (d) of this title.

Section 1624 provided discontinuance for unsatisfactory progress. See section 3474 of this title.

Section 1625 provided for a period of operation for approval. See section 3689 of this title.

Section 1626 related to institutions listed by Attorney General. Similar provisions were classified to section 1789 of this title, renumbered section 1793, and subsequently repealed by section 511(1) of Pub. L. 94-502.

Section 1631 provided for education and training allowance. See section 3481(a), (b), (d), and (e) of this title.

Section 1632 provided for computation of education and training allowances for institutional courses, apprentice and on-the-job training, on-farm training, correspondence and flight training courses, and less-than-half time basis courses. See sections 3482(a), (b)(2), (c)(1) and 3681 of this title.

Section 1633 related to measurement of courses.

Section 1634 related to overcharges by educational institutions.

Section 1641 related to designation of State approving agencies. See section 3671 of this title.

Section 1642 related to approval of courses. See section 3672 of this title.

Section 1643 provided for cooperation between the Administrator and the State approving agencies. See section 3673 of this title.

Section 1644 provided for use of Office of Education and other Federal agencies. See section 3690 of this title.

Section 1645 provided for reimbursement of expenses. See section 3674 of this title.

Section 1651 provided for apprentice or other training on the job.

Section 1652 provided for institutional on-farm training for Korean conflict veterans.

Section 1653 provided for approval of accredited courses for Korean conflict veterans. See section 3675 of this title.

Section 1654 provided for approval of nonaccredited courses for Korean conflict veterans. See section 3676 of this title.

Section 1655 provided for notice of approval of courses for Korean conflict veterans. See section 3677 of this title.

Section 1656 provided for disapproval of courses and discontinuance of allowances for Korean conflict veterans. See section 3678 of this title.

Section 1661 related to authority and duties of Administrator concerning education of Korean conflict veterans.

Section 1662 related to Advisory Committee. See section 3688 of this title.

Section 1663 provided for control by agencies of United States. See section 3682 of this title.

Section 1664 related to conflicting interests by officers or employees of the Veterans Administration, Office of Education, or State approving agency. See section 3683 of this title.

Section 1665 related to reports by institutions concerning Korean conflict veterans. See section 3684 of this title.

Section 1666 related to overpayments to Korean conflict veterans. See section 3685 of this title.

Section 1667 related to examination of records of Korean conflict veterans. See section 3686 of this title.

Section 1668 related to submitting false and misleading claims by Korean conflict veterans or educational institutions. See section 3687 of this title.

Section 1669 related to information furnished by Federal Trade Commission to State approving agencies.

Prior sections 1651, 1652, 1661, 1662, 1670, 1671, 1673, 1674, 1676, 1681, 1682, 1683 to 1685, and 1690 to 1693, which comprised chapter 34, were renumbered 3451, 3452, 3461, 3462, 3470, 3471, 3473, 3474, 3476, 3481, 3482, 3483 to 3485, and 3490 to 3493, respectively, of this title.

Prior section 1663, added Pub. L. 89-358, § 2, Mar. 3, 1966, 80 Stat. 15; amended Pub. L. 94-502, title II, § 211(4), Oct. 15, 1976, 90 Stat. 2388; Pub. L. 95-202, title III, § 302(a), Nov. 23, 1977, 91 Stat. 1440; Pub. L. 99-576, title III, § 312, Oct. 28, 1986, 100 Stat. 3273; Pub. L. 101-237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092, related to educational and vocational counseling, prior to repeal by Pub. L. 102-16, § 2(b)(1)(A), Mar. 22, 1991, 105 Stat. 49. See section 3697A of this title.

Prior section 1672, added Pub. L. 89-358, § 2, Mar. 3, 1966, 80 Stat. 15, related to change of program by veteran, prior to repeal by Pub. L. 92-540, title IV, § 401(6), Oct. 24, 1972, 86 Stat. 1090. See section 3691 of this title.

Prior section 1675, added Pub. L. 89-358, § 2, Mar. 3, 1966, 80 Stat. 16, related to period of operation for approval by Administrator, prior to repeal by Pub. L. 92-540, title IV, § 401(6), Oct. 24, 1972, 86 Stat. 1090. See section 3689 of this title.

Prior section 1677, added Pub. L. 90-77, title III, § 302(b), Aug. 31, 1967, 81 Stat. 185; amended Pub. L. 90-631, § 5, Oct. 23, 1968, 82 Stat. 1335; Pub. L. 91-219, title I, § 102, title II, § 203, Mar. 26, 1970, 84 Stat. 76, 78; Pub. L. 92-540, title I, § 102(1), title IV, § 401(3), Oct. 24, 1972, 86 Stat. 1075, 1090; Pub. L. 93-508, title I, § 102(1), Dec. 3, 1974, 88 Stat. 1579; Pub. L. 93-602, title II, § 203(a), Jan. 2, 1975, 88 Stat. 1958; Pub. L. 95-202, title I, § 102(1), Nov. 23, 1977, 91 Stat. 1433; Pub. L. 96-466, title II, § 201(1), 211(1), title VI, § 603(a), Oct. 17, 1980, 94 Stat. 2187, 2189, 2209, set forth provisions respecting eligibility, approval, etc., for flight training, prior to repeal by Pub. L. 97-35, title XX, §§ 2003(b)(3)(A), 2006, Aug. 13, 1981, 95 Stat. 782, 783, effective Oct. 1, 1981, except as otherwise provided for persons receiving educational assistance.

Prior section 1678, added Pub. L. 90-77, title III, § 306(a), Aug. 31, 1967, 81 Stat. 188, related to special training for educationally disadvantaged, prior to repeal by Pub. L. 91-219, title II, § 204(a)(2), Mar. 26, 1970, 84 Stat. 79. See subchapter V of chapter 34 of this title.

Prior section 1682A, added Pub. L. 95-202, title II, § 201(a), Nov. 23, 1977, 91 Stat. 1436; amended Pub. L. 97-295, § 4(41), Oct. 12, 1982, 96 Stat. 1308, related to accelerated payment of educational assistance allowances, prior to repeal by Pub. L. 100-689, title I, § 124(a), Nov. 18, 1988, 102 Stat. 4174.

Another prior section 1683, which related to measurement of courses, was renumbered section 1684 and subsequently repealed by Pub. L. 92-540, title III, § 304, Oct. 24, 1972, 86 Stat. 1081.

Another prior section 1683, added Pub. L. 90-77, title III, § 304(a), Aug. 31, 1967, 81 Stat. 186; amended Pub. L. 91-219, title I, § 103(e), Mar. 26, 1970, 84 Stat. 77; Pub. L. 91-584, § 7, Dec. 24, 1970, 84 Stat. 1576, related to apprenticeship or other on-job training, prior to repeal by Pub. L. 92-540, title IV, § 401(6), Oct. 24, 1972, 84 Stat. 1090. See section 3687 of this title.

Another prior section 1684, which related to overcharging of eligible veterans by educational institutions, was renumbered section 1685 and subsequently repealed by Pub. L. 92-540, title II, § 203, Oct. 24, 1972, 86 Stat. 1079.

Another prior section 1684, added Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 18, §1683; renumbered §1684, Pub. L. 90-77, title III, §304(a), Aug. 31, 1967, 81 Stat. 186; amended Pub. L. 91-219, title II, §206(a), Mar. 26, 1970, 84 Stat. 81; Pub. L. 91-584, §§8, 11, Dec. 24, 1970, 84 Stat. 1577, related to measurement of courses, prior to repeal by Pub. L. 92-540, title III, §304, Oct. 24, 1972, 86 Stat. 1081. See section 3688 of this title.

Another prior section 1685, which related to approval of courses, was renumbered section 1683.

Another prior section 1685, added Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 19, §1684; renumbered §1685, Pub. L. 90-77, title III, §304(a), Aug. 31, 1967, 81 Stat. 186, related to overcharging of eligible veterans by educational institutions, prior to repeal by Pub. L. 92-540, title II, §203, Oct. 24, 1972, 86 Stat. 1079. See section 3690 of this title.

Prior section 1686, added Pub. L. 93-508, title III, §302(a), Dec. 3, 1974, 88 Stat. 1591; amended Pub. L. 97-35, title XX, §2005(b), Aug. 13, 1981, 95 Stat. 783, related to educational loans to any eligible veteran to whom section 1662(a)(2) of this title applied, prior to repeal by Pub. L. 100-689, title I, §124(a), Nov. 18, 1988, 102 Stat. 4174.

Another prior section 1686, which related to approval of courses, was renumbered section 1683.

Another prior section 1686, which related to discontinuance of educational assistance allowance by Administrator, was renumbered section 1687 and subsequently repealed by Pub. L. 92-540, title IV, §401(6), Oct. 24, 1972, 86 Stat. 1090.

Prior section 1687, added Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 19, §1686; renumbered §1687, Pub. L. 90-77, title III, §304(a), Aug. 31, 1967, 81 Stat. 186, related to discontinuance of educational assistance allowance by Administrator, prior to repeal by Pub. L. 92-540, title IV, §401(6), Oct. 24, 1972, 86 Stat. 1090. See section 3690(b) of this title.

Prior sections 1695 to 1698 were repealed, effective Oct. 1, 1980, by Pub. L. 96-466, title VI, §601(a)(1), title VIII, §802(f), Oct. 17, 1980, 94 Stat. 2208, 2218.

Section 1695, added Pub. L. 91-219, title II, §204(a)(4), Mar. 26, 1970, 84 Stat. 80, set forth purpose of former subchapter VI relating to a predischARGE education program and defined "eligible person" for purposes of subchapter VI of chapter 34.

Section 1696, added Pub. L. 91-219, title II, §204(a)(4), Mar. 26, 1970, 84 Stat. 80; amended Pub. L. 92-540, title I, §102(5), title III, §307, Oct. 24, 1972, 86 Stat. 1075, 1081; Pub. L. 93-508, title I, §102(5), Dec. 3, 1974, 88 Stat. 1580; Pub. L. 93-602, title II, §203(c), Jan. 2, 1975, 88 Stat. 1958; Pub. L. 94-502, title II, §§201(4), 210(5), 211(13), Oct. 15, 1976, 90 Stat. 2385, 2388, 2389; Pub. L. 95-202, title I, §102(6), Nov. 23, 1977, 91 Stat. 1434, related to payment of an educational assistance allowance.

Section 1697, added Pub. L. 91-219, title II, §204(a)(4), Mar. 26, 1970, 84 Stat. 81, related to educational and vocational guidance.

Section 1698, added Pub. L. 92-540, title III, §308, Oct. 24, 1972, 86 Stat. 1082, §1697A; renumbered §1698 and amended Pub. L. 94-502, title II, §§210(3), 211(14), Oct. 15, 1976, 90 Stat. 2388, 2389; Pub. L. 95-202, title III, §302(b), Nov. 23, 1977, 91 Stat. 1441, related to coordination with and participation by Department of Defense in carrying out functions and duties of Department of Defense under predischARGE education program.

Prior section 1700, which comprised the first section of chapter 35, was renumbered section 3500 of this title.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-330, §304(a), substituted "\$1,000, as adjusted from time to time under subsection (e)" for "\$600".

Subsec. (e). Pub. L. 107-330, §304(b), added subsec. (e). Subsec. (f). Pub. L. 107-330, §304(c), added subsec. (f). 1998—Subsec. (a). Pub. L. 105-368 substituted "\$600" for "\$400".

1993—Subsec. (a). Pub. L. 103-161 substituted "\$400" for "\$200".

1991—Pub. L. 102-83, §5(a), renumbered section 562 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted "1561" for "561" and "1560" for "560".

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places.

1978—Subsec. (a). Pub. L. 95-479 increased from \$100 to \$200 the special pension.

1975—Subsec. (a). Pub. L. 94-169, §106(44), substituted "delivered to the Administrator" for "delivered to him".

Subsecs. (b), (d). Pub. L. 94-169, §106(45), substituted "such person" for "he".

1963—Subsec. (a). Pub. L. 88-77 inserted references to the Coast Guard.

1961—Subsec. (a). Pub. L. 87-138 inserted "and a copy of whose certificate has been delivered to him under subsection (c) of section 561 of this title," after "Medal of Honor roll", and increased pension from \$10 to \$100.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-330, title III, §304(d), Dec. 6, 2002, 116 Stat. 2826, provided that:

"(1) Except as provided in paragraph (2), the amendments made by subsections (a) and (b) [amending this section] shall take effect on September 1, 2003. No payment may be made pursuant to subsection (f) of section 1562 of title 38, United States Code, as added by subsection (c) of this section, before October 1, 2003.

"(2) The Secretary of Veterans Affairs shall not make any adjustment under subsection (e) of section 1562 of title 38, United States Code, as added by subsection (b) of this section, in 2003."

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-368, title III, §301(b), Nov. 11, 1998, 112 Stat. 3332, provided that: "The amendment made by subsection (a) [amending this section] shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act [Nov. 11, 1998]."

EFFECTIVE DATE OF 1993 AMENDMENT

Section 1(b) of Pub. L. 103-161 provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to months beginning after the date of the enactment of this Act [Nov. 30, 1993]."

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-479 effective Jan. 1, 1979, see section 401(b) of Pub. L. 95-479, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

CHAPTER 17—HOSPITAL, NURSING HOME, DOMICILIARY, AND MEDICAL CARE

SUBCHAPTER I—GENERAL

Sec.	
1701.	Definitions.
1702.	Presumptions: psychosis after service in World War II and following periods of war; mental illness following service in the Persian Gulf War.
1703.	Contracts for hospital care and medical services in non-Department facilities.